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ABSTRACT

A transcript of the U.S. Senate's public hearings on S.2724, the Comprehensive Indian Education Bill, is presented. The purpose of S.2724 is to establish a national American Indian education program by creating a National Board of Regents for Indian Education, carrying out of a national Indian education program, the establishment of local Indian school boards, and for other educational purposes. This bill originated in September 1971 as an outgrowth of hearings held then on a bill dealing primarily with the education of Indian children in public schools. Without exception, the Indian witnesses testifying at those hearings asked for a comprehensive Indian education act to provide improved education opportunities for children and adults regardless of whether they were in Federal or other public schools. This hearing heard testimony from representatives of the majority of the Indian people, and from the 2 Federal agencies most involved with S.2724--Health, Education, and Welfare and the Department of Interior--as well as from spokesmen from the major educational organizations. The testimonies are presented in their entirety. (FF)

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COMPREHENSIVE INDIAN EDUCATION ACT

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HEARINGS

BEFORE THE

COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
UNITED STATES SENATE

NINETY-SECOND CONGRESS

SECOND SESSION

ON

S. 2724

A BILL TO ESTABLISH A NATIONAL INDIAN EDUCATION PROGRAM BY CREATING A NATIONAL BOARD OF REGENTS FOR INDIAN EDUCATION, CARRYING OUT OF A NATIONAL INDIAN EDUCATION PROGRAM, THE ESTABLISHMENT OF LOCAL INDIAN SCHOOL BOARDS, AND FOR OTHER PURPOSES

MARCH 1, 6, AND 7, 1972

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EDUCATION & WELFARE
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COMPREHENSIVE INDIAN EDUCATION ACT

WEDNESDAY, MARCH 1, 1972

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The committee met, pursuant to notice, at 10 a.m., in room 3110, New Senate Office Building. Hon. Quentin N. Burdick, presiding.

Present: Senators Burdick, Fannin and Hansen.

Also present: Jerry T. Verkler, staff director; Forrest J. Gerard, professional staff member; and Thomas J. Nelson, assistant minority counsel.

Senator BURDICK. This is an open, public hearing to receive expert testimony on S. 2724, the Comprehensive Indian Education bill.

On September 20, 1971, the Chairman of the Senate Interior and Insular Affairs Committee, Senator Henry M. Jackson, announced his hope that, as an outgrowth of hearings held that day on a bill dealing primarily with the education of Indian children in public schools, a comprehensive bill dealing with all facets of Indian education could be developed. Without exception, the Indian witnesses testifying at that hearing on September 20, 1971, asked for a comprehensive Indian education act to provide improved education opportunities for Indian children and adults regardless of whether they were in Federal or other public schools. S. 2724, the bill we are hearing today which has 21 bipartisan cosponsors, is such a bill.

At hearings to be held on March 6 and 7 the committee will receive testimony from representatives of the majority of the Indian people. Today's hearings are primarily for the purpose of receiving the views of the two Federal agencies most involved with this bill—Health, Education and Welfare and the Department of the Interior—as well as from spokesmen from the major educational organizations.

The American people are, I believe, desirous of giving special and long overdue attention to educational needs of our Indian citizens. The Indian people will be heard by the committee with great interest. Their testimony will be given serious consideration by the committee, since any bill designed to improve Indian education must be representative of the Indians themselves. However, it is also appropriate that the Federal agencies concerned with administering programs of Indian education present their views on this important legislation.

Our first witnesses today will be the Honorable Harrison Loesch, Assistant Secretary of the Interior for Public Land Management, and the Honorable Louis R. Bruce, Commissioner of the Bureau of Indian Affairs.

Before calling our first witnesses to the table I will direct that the text of S.2724 and department reports be made a part of the record at this point.

(The documents referred to follow.)

92d CONGRESS
1st Session

S. 2724

IN THE SENATE OF THE UNITED STATES

October 20, 1971

Mr. Jackson (for himself, Mr. Allott, Mr. Anderson, Mr. Bible, Mr. Burdick, Mr. Cannon, Mr. Church, Mr. Cranston, Mr. Ervin, Mr. Fannin, Mr. Gravel, Mr. Hansen, Mr. Kennedy, Mr. McGovern, Mr. Mansfield, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Stevens, and Mr. Tunney) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

---

A BILL

To establish a national Indian education program by creating a National Board of Regents for Indian Education, carrying out of a national Indian education program, the establishment of local Indian school boards, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Indian Education Act of 1971".

CONGRESSIONAL FINDINGS

(a) The Congress, after careful review of the Federal Government's historical and special legal relationship and resulting responsibilities to American Indian people, finds:

(1) that the Federal responsibility for providing education for Indian children, for adult education and for skills training has not produced the desired level of educational achievement nor created the diverse opportunities and personal satisfaction which education can and should provide;

(2) that recent studies indicate that the average level of educational attainment among young American Indian people is only 8.4 years as opposed to a national average of 10.6 years;

(3) that the school dropout rate for Indian students is in excess of 50 per centum as opposed to a national average of approximately 25 per centum;

(4) that 25 per centum of the adult Indian population is functionally illiterate and is a major contributing factor to the high Indian unemployment rate which is ten times the national average;

(5) that in many areas of the Nation these deplorable levels of educational attainment are directly linked to inadequate educational materials, school curriculums which are not relevant to Indian culture, substandard facilities, a lack of enough competent teachers; and a failure to place appropriate decisionmaking authority and responsibility for educational policy in the hands of the Indian people; and

(6) that the failure to provide quality educational opportunity results in a waste of human resources and a loss of intellectual and cultural benefits of national value which cannot be allowed to continue.

(b) The Congress further finds—

(1) that local communities, individual families and parents should, as a matter of national policy, be directly and actively involved in decisions relating to the nature and quality of their children's education;

(2) that there is a need for new leadership in the field of Indian education which is professional qualified, innovative, and responsive to the educational needs of Indian children and the desires of Indian communities;

(3) that this new leadership should be composed of representatives of Indian communities as well as other representatives who bring experience, excellence, and a capacity to develop innovative programs in the field of education;

(4) that a properly funded and structured program of Indian education which is held to a standard of academic excellence can provide the Nation an opportunity to test new techniques, concepts, and materials designed to improve both Indian education and education for all Americans; and

(5) that as a matter of national policy the Federal

Government shall maximize educational achievement and opportunity for all Indian children as well as for all other children attending schools operated by the Federal Government for the education of Indian children.

DECLARATION OF POLICY

SEC. 2. (a) In recognition of the critical importance of education in meeting the social, cultural, and employment aspirations and needs of American Indian and Alaska Native children, and the growing desire of Indian peoples for self-determination through maximum involvement, participation, and direction of educational as well as other services in their communities, the Congress hereby recognizes the obligation of the United States to respond to these needs, and declares that a restructured, revitalized, and properly funded program of Indian education shall become the foundation and central feature of our Nation's Indian policy and shall be accorded the Nation's highest domestic priority.

(b) The Congress declares that it should be a major national goal of the United States to provide the quantity and quality of educational services and opportunities that will permit American Indian children to compete and excel in the life area of their choice.

(c) The Congress further declares its intent to achieve this goal by establishing a National Board of Regents for Indian Education.

TITLE I—NATIONAL BOARD OF REGENTS FOR INDIAN EDUCATION

SEC. 101. There is hereby established in the Department of the Interior an agency to be known as the National Board of Regents for Indian Education hereinafter referred to in this Act as the "Board of Regents".

SEC. 102. The role of the National Board of Regents for Indian Education is to establish, work with, and assist Indian communities and to provide direction, leadership, and an organizational framework to mobilize public and private educational resources toward the development of a quality national Indian education program for Indian children, which provides for diversity of opportunity, individual fulfillment, equality of services, and academic excellence.

SEC. 103. (a) The Board of Regents shall consist of eleven members to be appointed by the President of the United States, with the advice and consent of the Senate. Such appointments shall be made by the President after considering proposed nominees submitted by Indian tribes and organizations, and shall, insofar as is possible, represent the geographic regions of the country having substantial Indian populations. Persons appointed to serve on the Board of Regents shall be selected on the basis of: (1) their commitment toward, and professional or personal experience in, improving the quality of Indian education; (2) their professional competence as educators who have a history of successfully implementing effective, bold, and innovative educational programs; or (3) their demonstrated ability to work with local Indian communities in developing and implementing educational programs.

(b) It is the intent of the Congress that the President appoint the most capable persons available to serve on the Board of Regents and that these appointments shall include a majority of persons who are Indians.

(c) Appointments to the Board of Regents and the appointment of staff for the Board of Regents shall be made without regard to political affiliations or partisan consideration of any kind, and said staff shall not be otherwise employed.

Sec. 104. Members of the Board of Regents shall be appointed for three years; except that the terms of office of members of the initial Board shall be as follows: four members appointed for one-year terms, three members appointed for two-year terms, and four members for three-year terms. No member of the Board of Regents may serve more than two consecutive terms. Any person appointed to fill a vacancy on the Board of Regents occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of that term. The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman. The Vice Chairman, during the absence or disability of the Chairman, shall act for, and exercise the powers of, the Chairman. The Vice Chairman shall perform such duties as the Chairman may prescribe.

SEC. 105. Members of the Board of Regents shall meet at the call of the Chairman but in no event less than once each calendar month; and when in attendance at such meetings shall be compensated at the daily rate prescribed for grade GS–18 of the General Schedule, under section 5332 of title V, United States Code, including travel expenses and per diem at the applicable Government rates.

SEC. 106. Pursuant to rules and regulations adopted by the Board of Regents, the Chairman is authorized to—

(a) appoint, prescribe the duties of, and fix the compensation of the Executive Director and such additional staff personnel as the Chairman deems necessary. The Executive Director shall be appointed by the Chairman after advice and consultation with the members of the Board of Regents;

(b) compensate all employees at the schedule prescribed in chapter 53, title 5, of the United States Code;

(c) procure temporary and intermittent services of individuals and consultants to the same extent as is authorized by section 3109, United States Code, but at a rate not to exceed $125 a day for individuals.

SEC. 107. The Board of Regents is authorized and directed to—

(a) establish the goals and objectives for a national Indian education program, which is based on the needs of all Indian children enrolled in Federal, public, and private school systems. Such program shall include the strategies, priorities, and programs to achieve within two, five, and ten years, respectively, these goals and objectives. The Board of Regents' plan shall be completed within one year following the appointment of the initial Board of Regents;

(b) submit the national Indian education program to the President for transmittal, together with his comments, to the Congress within thirty days of receipt thereof;

(c) serve in a program monitoring role to the Secretary of the Interior until such time as all powers, functions, and responsibilities for Indian education are transferred from the Department of the Interior to the Board of Regents;

(d) assist the Secretary of the Interior and the Office of Management and Budget in the development of regulations, guidelines, and procedures to provide for the transfer of the educational programs, authorized by the Johnson-O'Malley Act (48 Stat. 596, as amended), and administered by the Secretary of the Interior to the Board of Regents. Transfer of the Johnson-O'Malley educational programs from the Department of the Interior to the Board of Regents shall occur no later than two years from date of enactment of this Act;

(e) enter into contracts or other agreements with Indian tribal organizations pursuant to which such organizations shall administer funds made available in connection with the program authorized for Indian education under the Johnson-O'Malley Act (48 Stat. 596).

(f) devise procedures for assuming full responsibility for the formulation of the Federal budget in Indian education in conjunction with the Secretary of Interior and report this procedure to the appropriate committees of the Congress no later than one year following enactment of this Act. Unless Congress otherwise directs, such transfer of budget authorities shall occur upon the expiration of thirty-six calendar months following the date of enactment of this Act;

(g) serve as an advisory committee to the Secretary of the Department of Health, Education, and Welfare concerning the education of Indian children and adults;

(h) assume full responsibility for the control and operation of Indian educational programs of the Department of Interior, including preparation and presentation of the budget for Indian education to the Secretary of the Interior, the Office of Management and Budget and the Congress, no later than four years after the date of the enactment of this Act;

(i) devise and implement procedures for establishing new local Indian school boards that will assume control and operation of federally supported education programs. Such local Indian school operations shall be financed from appropriations to the Board and various other Federal funds. These local Indian school boards may not be given full control of a local Indian school until they have met appropriate standards and criteria established by the Board of Regents. The Board of Regents shall not interfere with activities of already established local Indian school boards, but may extend to them such assistance as they may request;

(j) render such training and technical assistance as is necessary, particularly to Indian tribes, groups, and organizations, to carry out the Board's programs and policies; and

(k) the Board of Regents, in cooperation with the Secretaries of the Departmment of the Interior, Labor, and Health, Education, and Welfare shall develop a program of vocational, technical, and career and higher education for Indian youth and adults and report back to the Congress on or before January 1973, with specific recommendations.

SEC. 108. (a) The Secretary of the Interior shall implement the transfer of authorities and responsibilities provided for in this Act by the promulgation of any necessary Executive orders.

(b) When programs are transferred under this Act to the Board of Regents, the Board, together with the Bureau of Indian Affairs, shall develop a plan and program for the transfer of appropriate and needed personnel, budget accounts, records, property, and other necessary materials. No person who is transferred or who stays with the transferring agency in some other capacity shall be denied any rights or status available under the civil service laws and regulations.

SEC. 109. The Board of Regents shall submit an annual report to the Congress beginning one year from the date of the enactment of this Act. The report shall set forth the progress of the Board in meeting the objectives of this Act. The Board's report shall, sixty days prior to its transmittal to the Congress, be submitted to the Secretaries of the Departments of the Interior and Health, Education, and Welfare, for their review and comments, and any views shall be attached to the report when transmitted to the Congress.

SEC. 110. The principal office of the Board of Regents shall be in the District of Columbia, but it may have such other offices as the Board deems necessary.

SEC. 111. The Board of Regents is authorized to make such rules and regulations as it deems necessary to carry out its functions.

SEC. 112. The Board of Regents is authorized to make such expenditures or grants, either directly or by contract, as may be necessary to carry out its responsibilities under this Act.

SEC. 113. In carrying out its responsibilities under the provision of this Act, the Board of Regents is authorized to request such personnel, services, and materials as it deems may be needed and such support subject to the concurrence of the Office of Management and Budget, shall be made available to the Board by the department or agency requested to furnish such personnel, services, and material.

SEC. 114. The Board of Regents is authorized to receive and use donated funds or services if such funds or services are donated without restrictions other than for use in furtherance of Indian education.

SEC. 115. The Board of Regents is authorized to acquire by purchase, lease, loan, gift, or contract, and to hold and dispose of by grant, sale, lease, loan, or contract, real and personal property of all kinds necessary for or resulting from, the exercise of authority granted by this Act, including transfer of property to Indian school boards.

SEC. 116. The Board of Regents is authorized to enter into contracts or other arrangements, or modifications thereof, with organizations or individuals, including other government agencies of the United States, for such research, development, demonstration, evaluation, and other proposed efforts as may be necessary under this Act.

SEC. 117. There are authorized to be appropriated such sums of money as may be necessary to carry out the functions and responsibilities of the Board of Regents. Such sums shall remain available until expended. Until such time as the Board of Regents presents its own operating budget to the Office of Management and Budget and the Congress, as provided in section 105 (f) of this Act, the Secretary of the Interior shall submit the operating budget recommendations of the Board of Regents at the time the administration's budget requests are presented.

TITLE II—INDIAN EDUCATION PROGRAMS ADMINISTERED BY THE UNITED STATES COMMISSIONER OF EDUCATION

PART A—AID TO LOCAL EDUCATION AGENCIES ENROLLING INDIAN PUPILS

SEC. 201. (a) The United States Commissioner of Education shall carry out a program of making grants to local educational agencies enrolling Indian children which are entitled to payments under this title and which have submitted, and had approved, applications therefor, in accordance with the provisions of this title, and for other purposes.

GRANTS TO LOCAL EDUCATIONAL AGENCIES

SEC. 202. (a) (1) For the purpose of computing the amount to which a local educational agency is entitled under this title for any fiscal year ending prior to July 1, 1976, the Commissioner shall determine the number of Indian children who were enrolled in the schools of a local educational agency, and for whom such agency provided free public education, during such fiscal year.

(2) (A) The amount of the grant to which a local educational agency is entitled under this title for any fiscal year shall be an amount equal to (i) the average per pupil expenditure for such agency (as determined under subparagraph (C) multiplied by (ii) the sum of the number of children determined under paragraph (1).

(B) A local educational agency shall not be entitled to receive a grant under this title for any fiscal year unless the number of children under subsection (a), with respect to such agency, is at least ten or constitutes at least 50 per centum of its total enrollment: *Provided,* That the requirements of this subparagraph shall not apply to any such agency serving Indian children in Alaska, California, and Oklahoma located on or in proximity to an Indian reservation.

(C) For the purposes of this subsection, the average per pupil expenditure for a local educational agency shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all the local educational agencies in the State in which such agency is located, plus any direct current expenditures by such State for the operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children who were in average daily enrollment for whom such agencies provided free public education during such preceding fiscal year.

(b) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this title, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 5 per centum of the amount appropriated for payments on the basis of entitlements computed under subsection (a) for that fiscal year, for the purpose of enabling the Commissioner to provide financial assistance to schools on or near reservations which are not local educational agencies or have not been local educational agencies for more than three years, in accordance with the appropriate provisions of this title.

(c) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this title, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 1 per centum of the amount appropriated for the payments on the basis of entitlements computed under subsection (a) for that fiscal year for the purpose of enabling the Commissioner to provide financial assistance to State educational agencies in those States with substantial numbers of Indian children enrolled in the public schools.

USES OF FEDERAL FUNDS

SEC. 203. Grants under this title may be used, in accordance with applications approved under section 205, for—

(1) planning for and taking other steps leading to the development of programs specifically designed to meet the special educational needs of Indian children, including pilot projects designed to test the effectiveness of plans so developed; and

(2) the establishment, maintenance, and operation of programs, including, in accordance with special regulations of the Commissioner, minor remodeling of classroom or other space used for such programs and acquisition of necessary equipment, specially designed to meet the special educational needs of Indian children.

APPLICATION FOR GRANTS: CONDITIONS FOR APPROVAL

SEC. 204. (a) A grant under this part, except as provided in section 203 (b) and (c), may be made only to a local educational agency or agencies, and only upon application to the Commissioner at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such application shall—

(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) set forth a program for carrying out the purposes of section 204, and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

(3) in the case of an application for payments for planning, provide that (A) the planning was or will be directly related to programs or projects to be carried out under this title and has resulted or is reasonably likely to result, in a program or project which will be carried out under this title, and (B) the planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under this title;

(4) provide that effective procedures, including provisions for appropriate objective measurement of edu-

cational achievement, will be adopted for evaluating at least annually the effectiveness of the programs and projects in meeting the special educational needs of Indian students;

(5) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the education of Indian children and in no case supplant such funds;

(6) provide that Indian students enrolled in the schools of the applicant agency shall receive the same quality of education before receipt of a grant provided in this section as is provided on Indian students enrolled in any school or schools under the applicant agency's jurisdiction.

(7) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this title; and

(8) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine

the extent to which funds provided under this title have been effective in improving the educational opportunities of Indian students in the area served, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) An application by a local educational agency or agencies for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and—

(1) meets the requirements set forth in subsection (a);

(2) provides that the program or project for which application is made—

(A) will utilize the best available talents and resources (including persons from the Indian community) and will substantially increase the educational opportunities of Indian children in the area to be served by the applicant; and

(B) has been developed—

(i) in open consultation with parents of Indian children, teachers, and where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and

(ii) with the participation and approval of a committee composed of, and selected by, parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students, of which at least half the members shall be such parents;

(C) sets forth such policies and procedures as will insure that the program for which assistance is sought will be operated and evaluated in consultation with, and the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of clause (2) (B) (ii).

(D) has been submitted to the State education agency for comment and recommendations. If the State agency fails to act within thirty days of receipt of the application, the agency's rights under this section are waived.

(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

PAYMENTS

SEC. 205. (a) The Commissioner shall, subject to the provisions of section 307, from time to time pay to each local educational agency which has had an application approved under section 305, an amount equal to the amount expended by such agency in carrying out activities under such application.

(b) (1) No payments shall be made under this title for any fiscal year to any local educational agency in a State which has taken into consideration payments under this title in determining the eligibility of such local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year.

ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

SEC. 206. (a) If the sums appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which all local educational agencies are eligible to receive under this title for that fiscal year, the maximum amounts which all such agencies are eligible to receive under this title for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the first sentence of this subsection is applicable, such reduced amounts shall be increased in the same basis as they were reduced.

(b) In the case of any fiscal year in which the maximum amounts for which local educational agencies are eligible have been reduced under the first sentence of subsection (a), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the second sentence of such subsection, the Commissioner shall fix dates prior to which each local educational agency shall report to him on the amount of funds available to it, under the terms of section 205 (a) and subsection (a) of this section, which it estimates, in accordance with regulations of the Commissioner, it will expend under approved applications. The amounts so available to any local educational agency, or any amount which would be available to any other local education agency if it were to submit an approvable application therefor, which the Commissioner determines will not be used for the period of its availability, shall be available for allocation to those local educational agencies, in the manner provided in the second sentence of subsection (a), which the Commissioner determines will need additional funds to carry out approved applications, except that no local educational agency shall receive an amount under this sentence which, when added to the amount available to it under subsection (a), exceeds its entitlement under section 203.

SEC. 202. The second sentence of section 103(a)(1)(A) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows: "In addition, he shall allot from such amount to the Secretary of the Interior—

"(i) the amount necessary to make payments pursuant to subparagraph (b); and

"(ii) in the case of fiscal years ending prior to July 1, 1973, the amount necessary to make payments pursuant to subparagraph (C).".

(2)(A) Section 103(a)(1) of such title I is amended by adding at the end thereof the following new subparagraph:

"(C) The maximum amount allotted for payments to the Secretary of the Interior under clause (ii) in the second sentence of subparagraph (A) for any fiscal year shall be the amount necessary to meet the special educational needs of educationally deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, as determined pursuant to criteria established by the Commissioner. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this part. Such agreement shall contain (1) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of Interior which meet the applicable requirements of section 141 (a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (2) provision for carrying out the applicable provisions of sections 141 (a) and 142 (a) (3).".

(B) The fourth sentence of section 103 (a) (1) (A) of such title I is amended by striking out "and the terms upon which payment shall be made to the Department of the Interior.".

(3) The amendments made by this subsection shall be effective on and after July 1, 1972.

(c) (1) Subsection (a) of section 5 of Public Law 874, Eighty-first Congress, as amended, is amended by inserting

"(1)" after "(a)" and by inserting at the end thereof the following new paragraph (2):

"(2) (A) Applications for payment on the basis of children determined under section 3 (a) or 3 (b) who reside, or reside with a parent employed, on Indian lands shall set forth adequate assurance that Indian children will participate on an equitable basis in the school program of the local educational agency.

"(B) For the purposes of this paragraph, Indian lands means that property included within the definition of Federal property under clause (a) of section 303 (1).".

(2) (A) The Commissioner shall exercise his authority under section 415 of Public Law 90-247, to encourage local parental participation with respect to financial assistance under title I of Public Law 874, Eighty-first Congress, based upon children who reside on, or reside with a parent employed on, Indian lands.

(B) For the purposes of this paragraph, the term "Indian lands" means that property included within the definition of Federal property under clause (A) of section 303 (1) of Public Law 874, Eighty-first Congress.

SEC. 203. The third sentence of section 202 (a) (1) of the Elementary and Secondary Education Act of 1965, as amended, is further amended by striking out the words "for the fiscal year ending June 30, 1972, and the fiscal year ending June 30, 1973."

Sec. 204. The third sentence of section 302(a)(1) of the Elementary and Secondary Education Act of 1965, as amended, relating to schools for Indian children, is further amended by striking out the words "for each fiscal year ending prior to July 1, 1972.".

Sec. 205. Clause (B) of section 612(a)(1) of Public Law 91-230 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,".

Sec. 206. Section 703(b) of the Elementary and Secondary Education Act of 1965, as amended, is further amended by adding at the end of the subsection the following: "That for the purpose of this title the schools operated for Indian children by the Department of the Interior are included in this title and the Department of the Interior is considered for the purpose of this title to be a 'State educational agency'.".

AMENDMENTS TO THE NATIONAL DEFENSE EDUCATION ACT OF 1958

Sec. 207. Section 103(a) of title I of the National Defense Education Act of 1958, as amended, is amended by striking out the word "or" after the word "Guam" where it appears in the second line and inserting after the comma following the words "Virgin Islands," "or schools operated or contracted for by the Department of the Interior for Indian children."

SEC. 208. Section 103(i) of the National Defense Education Act of 1958 is amended by changing the period at the end of the subsection to a comma and adding "except that schools operated or contracted for by the Department of the Interior for Indian children shall be eligible to receive payments under this Act."

PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

AMENDMENT TO TITLE VIII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 209. (a) Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding to the end thereof the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR AMERICAN INDIAN CHILDREN

"SEC. 810. (a) The Commissioner shall carry out a program of making grants for the improvement of educational opportunities for Indian children—

"(1) to support planning, pilot, and demonstration projects, in accordance with subsection (b), which are designed to test and demonstrate the effectiveness of programs for improving educational opportunties for Indian children;

"(2) to assist in the establishment and operation of programs, in accordance with subsection (c), which are designed to stimulate (A) the provision of educational services not available to Indian children in sufficient quantity or quality, and (B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which Indian children are educated;

"(3) to assist in the establishment and operation of preservice and inservice training programs, in accordance with subsection (c), for persons serving Indian children as educational personnel; and

"(4) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian children.

In the case of activities of the type described in clause (3), preference shall be given to the training of Indians.

"(b) The Commissioner is authorized to make grants to State and local educational agencies and institutions, including federally supported elementary and secondary schools for Indian children, and to Indian tribes, institutions, and organizations to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for imposing educational opportunities for Indian children, including for—

"(1) innovative programs related to the educational needs of educationally deprived children;

"(2) bilingual and bicultural education programs and projects;

"(3) special health and nutrition services, and other related activities, which meet the special health, social, and psychological problems of Indian children;

"(4) coordinating the operation of other federally assisted programs which may be used to assist in meeting the needs of such children;

"(5) remedial and compensatory instruction, school health, physical education, psychological, and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

"(6) comprehensive academic and vocational instruction;

"(7) instructional materials (such as library books, textbooks, and other printed or published or audiovisual materials) and equipment;

"(8) comprehensive guidance, counseling, and testing services;

"(9) special education programs for handicapped;

"(10) preschool programs;

"(11) other services which meet the purposes of this subsection; and

"(12) the establishment and operation of exemplary and innovative educational programs and centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children.

"(c) The Commissioner is also authorized to make grants to, and contracts with, public agencies and institutions and Indian tribes, institutions, and organizations for—

"(1) the dissemination of information concerning education programs, services, and resources available to Indian children, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian children may participate in achieving the purposes of such programs with respect to such children.

"(d) Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) in the case of an application for the purposes of subsection (b), subject to such criteria as the Commissioner shall prescribe, provide for the use of funds available under this section, and for the coordination of other resources available to the applicant, in order to insure that, within the scope of the purpose of the project, there will be a comprehensive program to achieve the purposes of this section;

"(3) in the case of an application for the purposes of subsections (b) and (c), make adequate provision for the training of the personnel participating in the project; and

"(4) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (b) unless he is satisfied that such application, and any documents submitted with respect thereto, show that there has been adequate participation by the parents of the children to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under this section, the Commissioner shall give priority to applications from Indian tribes, institutions, and organizations.

"(f) For the purpose of making grants under this section there are hereby authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973, and $35,000,000 for each of the two succeeding fiscal years.".

PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR INDIANS

AMENDMENT TO THE ADULT EDUCATION ACT

SEC. 210. Title III of the Elementary and Secondary Education Amendments of 1966 (the Adult Education Act) is amended by redesignating sections 314 and 315, and all references thereto, as sections 315 and 316, respectively, and by adding after section 313 the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT AMERICAN INDIANS

"SEC. 314. (a) The Commissioner shall carry out a program of making grants to State and local educational agencies, Indian tribes, institutions and organizations, to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for providing adult education for Indians—

"(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

"(2) to assist in the establishment and operation of programs which are designed to stimulate (A) the provision of basic literacy opportunities to all nonliterate Indian adults, and (B) the provision of opportunities to all Indian adults to qualify for a high school equivalency certificate in the shortest period of time feasible;

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

"(4) to provide for basic surveys and evaluations thereof to define accurately the extent of the problems of illiteracy and lack of high school completion on Indian reservations;

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

"(b) The Commissioner is also authorized to make grants to, and contracts with, public agencies, Indian tribes, institutions, and organizations for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian adults may participate in achieving the purposes of such programs with respect to such adults.

"(c) Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (a) unless he is satisfied that such application, and any documents submitted with respect thereto, indicate that there has been adequate participation by the individuals to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under subsection (a), the Commissioner shall give priority to applications from Indian tribes, institutions and organizations.

"(d) For the purpose of making grants under this section there are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and $8,000,000 for each of the two succeeding fiscal years."

PART D—OFFICE OF INDIAN EDUCATION

SEC. 211. (a) There is hereby established, in the Office of Education, a bureau to be known as the "Office of Indian Education" which, under the direction of the Commissioner, shall have the responsibility for administering the provisions of this Act. The Office shall be headed by a Deputy Commissioner of Indian Education, who shall be appointed by the Commissioner of Education from a list of nominees submitted to him by the Board of Regents for Indian Education of the Department of Interior.

(b) The Deputy Commissioner of Indian Education shall be compensated at the rate prescribed for, and shall be placed in, GS-18 of the General Schedule set forth in section 5332 of title 5, United States Code, and shall perform such duties as are delegated or assigned to him by the Commissioner. The position created by this subsection shall be in addition to the number of positions placed in GS-18 of such General Schedule under section 5108 of title 5, United States Code.

TITLE III—AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965

SEC. 301. Part D of title V of the Higher Education Act of 1965 is amended by adding after section 531 the following new section:

"SEC. 532. (a) The United States Commissioner of Education is authorized to carry out a program of making grants to, and contracts with, institutions of higher education and other public and private nonprofit organizations or agencies for carrying out programs and projects—

"(1) to prepare persons to serve Indian children in public, private, or Federal schools as educational administrators, teachers, teacher aides, social workers, school nurses, and ancillary educational personnel; and

"(2) to improve the qualifications of such persons who are serving Indian children in such capacities.

"(b) Grants for the purposes of this section shall give preference to Indians and may be used for the establishment or continuation of fellowship programs leading to an advanced degree, for institutes, and, as part of a continuing program, for seminars, symposia, workshops, and conferences.

"(c) Prior to issuing any grant or contract under this title, the Commissioner shall submit all applications to to National Board of Regents for Indian Education of the Department of Interior for approval."

SEC. 302. For the purpose of making grants or contracts under this title there are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972 and $8,000,000 for each of the two succeeding years.

TITLE IV—AMENDMENT TO THE JOHNSON-O'MALLEY ACT

SEC. 401. The Indian Education Act of April 16, 1934 (48 Stat. 596), the so-called Johnson-O'Malley Act, is amended by adding at the end thereof the following new sections:

"SEC. 4. (a) The Secretary is authorized to enter into a contract or contracts with any State or local educational agency for the purpose of assisting such State or agency in the construction, acquisition, or renovation of classrooms and other facilities in non-Federal school districts on or adjacent to, or in close proximity to any Indian reservation necessary for the education of Indians residing on any such reservation. Any such contract entered into by the Secretary pursuant to this section shall contain provisions requiring such contracting State or agency to—

"(1) provide Indian students attending such facilities in any school district the same standard of education as provided non-Indian students in such district;

"(2) operate such facilities as a part of the public school system and provide a program of instruction meeting the standards required by such State or local educational agency for other public schools under the jurisdiction or control of such agency; and

"(3) meet, with respect to such facilities acquired or constructed pursuant to such contract, the requirements of the State and local building codes, and other building standards set by any such State or local educational agency for other public school facilities under its jurisdiction or control.

"(b) No contract shall be entered into by the Secretary under this section unless the terms thereof have been first approved by each tribal organization or local school committee established under the Comprehensive Indian Education Act, as the case may be, having jurisdiction over any Indian students covered or otherwise affected by such contract.

"(c) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated, for each of the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974, the sum of $27,400,000, and for each fiscal year thereafter, such sums as are necessary. Funds shall remain available until expended.

"SEC. 5. (a) The Secretary is authorized to make payments, by grants or otherwise, to any school district established pursuant to the Comprehensive Indian Education Act for the purpose of assisting such district in the construction, acquisition, or renovation of classrooms and other facilities (including all necessary equipment) necessary for the education of Indian students. Such payments shall be made at such times, in such manner, and pursuant to such conditions as the Secretary may prescribe.

"(b) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated such sums as are necessary.

"SEC. 6. For the purposes of carrying out the provisions of this Act the Secretary shall determine that the rates of pay for laborers and mechanics engaged in the construction will not be less than the prevailing local wage rates for similar work as determined in accordance with Public Law 403 of the Seventy-fourth Congress, approved August 30, 1935, as amended."

TITLE V—GENERAL PROVISIONS AND DEFINITIONS

SEC. 501. (a) As used in this Act the term "Indian" means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the National Board of Regents for Indian Education which regulations may further define the term "Indian".

(b) The term "federally supported education programs" as used in this Act is defined to mean all education programs operated by the Department of Health, Education, and Welfare, Department of the Interior, or operated under contract by local Indian school boards or by other Indian contractors.

(c) The term "local education agency" as used in this Act means (1) a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service or function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools; (2) a local Indian school board which has administration and control of elementary and secondary schools operated, on or near such reservations, for Indian children and is a nonprofit institution or organization of the Indian tribe concerned and which is approved by the Secretary of the Interior or the Board of Regents for Indian Education as a contractor or grantee for the purpose of receiving Federal funds; and, other than for the purpose of title IV of this Act, (3) any school currently operated by the Bureau of Indian Affairs of the Department of the Interior;

SEC. 502. No funds under this Act shall be granted to any local education agency unless the Board of Regents is satisfied that the quality and standard of education, including facilities and auxiliary services, for Indian children enrolled in such agency is equal to that provided all other children from resources, other than as provided in this Act, available to the local education agency.

SEC. 503. No funds under this Act may be used for any sectarian or religious purpose except that this provision shall not be interpreted to preclude programs or projects concerning Indian or tribal culture.

SEC. 504. No funds under this Act shall be granted or contracted for by any Federal agency directly to other than public agencies and Indian tribes, institutions, and organizations except that local education agencies, State education agencies, and Indian tribes, institutions, and organizations assisted by this Act may use funds provided herein to contract for necessary services with any appropriate individual organization or corporation.

SEC. 505. In the event that Indian children comprise the majority of any class or school aided by this Act, non-Indian children enrolled in the class or school may participate in programs funded by this Act, if such participation is approved by the committee as provided in section 204 (b) (2) (B) (ii) and by the parents of the non-Indian children: *Provided*, That such non-Indian children are not counted for the purposes of section 202 of this Act.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C. February 25, 1972.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate.
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department on S. 2724, a bill "To establish a national Indian education program by creating a National Board of Regents for Indian education, carrying out of a national Indian education program, the establishment of local Indian school boards, and for other purposes."

We recommend against enactment of this bill.

S. 2724 is based upon several findings, among them that the Federal responsibility for providing education for children, for adult education, and for skills training has not produced the desired level of Indian educational achievement; that 25 percent of the adult Indian population is functionally illiterate and is a major contributing factor to the high Indian unemployment rate, which is ten times the national average; and that local communities, individual families and parents should, as a matter of national policy, be directly and actively involved in decision relating to the nature and quality of their children's education. The bill declares that the way to achieve a revitalized national Indian education program is via a National Board of Regents for Indian Education.

Title I establishes in the Department of the Interior the National Board of Regents. The Board would consist of eleven members, a majority of them Indians, appointed by the President with the advice and consent of the Senate. Among the duties of the Board would be to—

(1) Submit, within one year following its appointment, a national Indian education program, based upon the needs of all Indian children enrolled in Federal, public, and private school systems, to the President for transmittal to Congress;

(2) Serve in a program monitoring role to the Secretary of the Interior until such time as all powers, functions, and responsibilities for Indian education are transferred from the Department of the Interior to the Board of Regents;

(3) Assist the Secretary and the Office of Management and Budget in the development of regulations, guidelines, and procedures to provide for the transfer of the educational programs authorized by the Johnson-O'Malley Act, 48 Stat. 596, as amended, and administered by the Secretary of the Interior, to the Board within two years;

(4) Devise procedures for assuming full responsibility for the formulation of the Federal budget in Indian education within thirty-six months;

(5) Assume full responsibility for the control and operation of Indian educational programs of the Department of the Interior within four years;

(6) Devise and implement procedures for establishing new local Indian school boards that will assume control and operation of federally supported education programs, such local operations to be financed from appropriations to the Board and various other Federal funds.

Title II of S. 2724 concerns Indian education programs to be administered by the United States Commissioner of Education. Part A of Title II directs the Commissioner of Education to carry out a program of making grants to local educational agencies enrolling Indian children. Each local educational agency would be entitled to an annual grant based upon the number of Indian children who are enrolled in the schools of that agency and for whom the agency provides free public education. This title also authorizes the appropriation of funds for assistance to schools on or near reservations which are not local educational agencies, and funds to aid State educational agencies in those States with substantial numbers of Indian children enrolled in the public schools. The funds appropriated under this Title could be used for planning and development of programs and for operation of existing programs, including remodeling of classrooms and purchase of necessary equipment. This Title would amend Section 702(b) of the Elementary and Secondary Education Act to add that the schools operated for Indian children by the Department of the Interior are included in this Title and the Department of the Interior is considered for the purpose of this Title to be a State educational agency.

Part B of Title II amends Title VIII of the Elementary and Secondary Education Act of 1965. The amendments establish a program of making grants for the improvement of educational opportunities for American Indian children and authorize the Commissioner to make grants to local educational agencies and other appropriate public and private programs. Among programs contemplated are: bilingual and bicultural programs; preschool programs; vocational instruction rograms; programs designed to encourage Indian children to remain in school. Grants could also be made to higher educational authorities for use in preparing person to teach Indian children. For purposes of the grants, $25,000,000 would be appropriated for the fiscal year ending June 30, 1973, and $35,000,000 for each of the two succeeding years.

Part C of Title II amends Title III of the Adult Education Act to authorize the Commissioner to make grants for the purpose of developing programs for providing adult education to Indians. Among aims of the programs would be to provide basic literary opportunities to all nonliterate Indian adults and to provide opportunities to all adult Indians to qualify for a high school equivalency certificate. $5,000,000 would be appropriated for these grants in the fiscal year ending June 30, 1973, with $8,000,000 for each of the next two years.

Part D of Title II establishes a Bureau of Indian Education within the Office of Education, which would be headed by a Deputy Commissioner of Indian Education. This Bureau would administer the provisions added by this Act.

Title III of S. 2724 amends Part D of Title V of the Higher Education Act of 1965 to authorize the Commissioner to make grants to and contracts with institutions of higher education for the preparation of persons to serve as educators of Indian children and authorizes the appropriation of $5,000,000 for the fiscal year ending June 30, 1972, and $8,000,000 for each of the next two years.

Title IV amends the Johnson-O'Malley Act to authorize the Secretary to enter into contracts with any State or local educational agency for the purpose of assisting in the construction, acquisition, or renovation of classrooms and other facilities in non-Federal school districts on or near any Indian reservation, necessary for the education of Indians residing on any such reservation. The Title authorizes the appropriation of $27,400,000 for each of the next three fiscal years.

Title V contains general provisions and definitions.

ANALYSIS

Initially, we would like to stress the vital importance of thoroughgoing consultation with Indian people on S. 2724. This bill would effect nothing less than a restructuring of the entire field of Indian education. We believe it is essential that all Indian viewpoints are heard on this matter. We in this Department are engaged in various forms of consultation and are pleased to see that this Committee has scheduled sessions to hear Indian witnesses.

Although our own soundings of Indian opinion on this and other Indian education bills are not complete, a central position has clearly emerged among Indians: it is that the education programs and responsibilities of the Bureau of Indian Affairs (BIA) should not be relocated in another agency or board. Although the major restructuring tool of S. 2724, the National Board of Regents for Indian Education, would be established "in the Department of the Interior," in reality it would be an autonomous entity. For example, the Board of Regents would be appointed by the President (Section 103), select and compensate its own employees (Section 106), establish a national Indian education program (Section 107(a)), and submit its plan direct to the President (Section 107(b)). It would receive "from the Department of the Interior" the transfer of all Indian education powers, functions, and responsibilities (Section 107(c)), including those contemplated by the Johnson-O'Malley Act (Section 107(d)). The Board of Regents, not the Secretary of the Interior, would make Johnson-O'Malley Act contracts (Section 107(e)), and ultimately would assume full operational and budgetary responsibility for Indian education (Sections 107(f) and (h)). The transfer of education programs to the National Board would cause a serious fragmentation of responsibility for Indian affairs and is squarely opposed by Indians. It constitutes one of our major objections to S. 2724.

In addition, the creation of a new agency in Washington and its endowment with comprehensive responsibility for Indian education run contrary to what the President and Indian people themselves desire for the admininstration of Indian education. The President in his July 8, 1970, message stated:

"... at least part of the problem stems from the fact that the Federal Government is trying to do for Indians what many Indians could do better for themselves."

The President went on to stress the importance of affording Indians local control of education programs. Two bills introduced to implement that message, S. 1573, which would provide for the assumption of control of Federal programs by Indians, and S. 2238, which would amend the Johnson-O'Malley Act to enable Indian tribes to be contracting parties thereto, would if enacted, be far more significant factors in the improvement of educational opportunities for Indians than the structural changes contemplated in S. 2724.

We believe that the BIA has made substantial progress in Indian education in recent months. The BIA has been moving to provide Indian people, in every instance possible, with a meaningful voice in decisions concerning programs affecting them: examples of such participation are the activity of Indian advisory school boards in the BIA schools and of the National Indian Education Advisory Committee to the BIA's Director of Education Programs. These groups are becoming increasingly involved in vital policy and program decisions. They are making recommendations concerning program directions, community needs, budget preparations, program evaluation and assessments, personnel management, and school administration. The BIA has made increased expenditures in many areas of education, the most dramatic increase being in higher education programs. The BIA works closely with other federal agencies, particularly the Office of Education, in the planning and operation of Indian education programs.

In addition, Secretary Morton's concern for the special needs of Indian people has been evidenced in his support of S. 2804, which would establish an additional Assistant Secretary of the Interior, who would devote his energy solely to Indian and Territorial Affairs.

We defer to the Department of Health, Education, and Welfare as to those provisions of S. 2724 that would affect the operations and programs of the Office of Education.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

HARRISON LOESCH
Assistant Secretary of the Interior.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
March 17, 1972.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request for a report on S. 2724 a bill "to establish a national Indian education program by creating a National Board of Regents for Indian Education, carrying out of a national Indian education program, the establishment of local Indian school boards, and for other purposes."

S. 2724 would establish a National Board of Regents for Indian education in the Department of the Interior. The Board would assume responsibility for the operation and control of the Federal Indian education programs now administered by the Department of the Interior within four years of the enactment of S. 2724. The Board would assume full responsibility for the formulation of the Federal budget in Indian education in conjunction with the Secretary of the Interior within three years of such enactment. The Board would also serve as an advisory council to the Department of Health, Education, and Welfare for programs administered by that Department, including programs in the public schools, which directly affect Indian children.

The bill would provide assistance to local educational agencies to develop and carry out elementary and secondary programs to meet the special education needs of public school Indian children. The amount of the grant to which a local educational agency would be entitled would be equal to the average per pupil expenditure for such agency multiplied by the number of Indian children enrolled in that agency as determined by the Commissioner of Education. There would be a ratable reduction of payments to such agency in the event that appropriations for any fiscal year were not adequate to pay in full that agency's entitlement for that fiscal year. Agencies with at least 10 Indian children, or with an enrollment of 50 percent Indian children, would be eligible to receive funds. This proposed program of assistance to local educational agencies to meet the special education needs of Indian children does not include an income factor for determining eligibility for assistance.

An additional appropriation, not to exceed five percent of the amount appropriated on the basis of entitlements under this title, is authorized to enable the Commissioner to provide financial assistance to schools on or near reservations which are not local education agencies or have not held such status for more than three years.

S. 2724 authorizes the Commissioner of Education to make grants for projects designed to test the effectiveness of programs for improving Indian educational opportunities; programs to provide educational services not available to Indian children in sufficient quality or quantity; training programs for educational personnel; and for dissemination and evaluation of the results of Federally-assisted programs. The bill would authorize $25 million for Fiscal Year 1973 and $35 million for each of the two succeeding fiscal years.

S. 2724 would amend the Adult Education Act by authorizing pilot and demonstration projects, research, evaluation, and operation of adult education programs for Indians. For the purposes of making grants under this section, $5 million would be authorized for Fiscal Year 1973 and $8 million for each of the two succeeding fiscal years.

The bill also provides for the establishment of a bureau-level Office of Indian Education within the Office of Education. The Office would have responsibility for administering the provisions of S. 2724. The Office would be headed by a Deputy Commissioner, appointed by the Commissioner from a list of nominees submitted to him by the Board of Regents for Indian Education.

S. 2724 would designate the Department of the Interior as a State education agency for purposes of the Bilingual Education Act. The bill would also make Federal schools eligible for funding under the National Defense Education Act.

Part D of Title V of the Higher Education Act of 1965 would be amended to authorize personnel training programs to prepare persons to serve Indian children in the schools, as well as, to improve the qualifications of such persons who are presently serving Indian children in such capacities. Authorizations for this program would be $5 million for the fiscal year ending June 1972 and $8 million for each of the two succeeding years.

The Bill would also amend the Indian Education Act of April 16, 1934, (Johnson-O'Malley Act) to provide $27.4 million each year for assisting State and local education agencies in the construction, acquisition, or renovation of classrooms and other facilities in non-Federal school districts on or adjacent to, or in close proximity to any Indian reservation necessary for the education of Indians residing on such reservations.

The sections of S. 2724 summarized above treat several issues in Indian education relevant to Department of Health, Education, and Welfare programs including: (a) the role of the U.S. Office of Education in Indian education, (b) developmental and innovative needs in Indian education, (c) the organizational structure of OE's effort in Indian education, and (d) the manner in which Indian educators and Indian representatives can effectively participate in policy decisions that pertain to their people. While we applaud the concerns of S. 2724 we think its provisions contain serious flaws and that recent OE actions constitute more appropriate alternatives to reach the goal of quality education for Indians.

In the spring of 1971, Commissioner Marland established an Indian Education Task Force to assess the Office of Education's current efforts in Indian education, recommend a policy framework for the Office of Education for Indian education, and make specific recommendations for enhancing the effectiveness of the Office of Education's contributions to Indian education. The Task Force found that resources from the entire spectrum of Office of Education programs were being spent for Indian education, including programs for compensatory education for the children of low-income families ($27 million), bilingual education ($3.1 million), teacher training ($2.5 million), and over $6 million in various higher education programs.

The Task Force also found that these resources were not having an impact proportional to their size. Indian education had been a concern of the individual program administrators but had never been the subject of an articulated agency goal. The Task Force recommended a policy, and implementation steps, to enhance the Office of Education effort in the area of Indian education. Commissioner Marland has endorsed these recommendations and their implementation is now in progress.

On July 8, 1970, President Nixon transmitted to the Congress a Message on Indian Affairs. The central theme of the President's Message is a clear affirmation of a special and enduring relationship between the Federal Government and the Indian people. This affirmation is a prelude to the definition of an overall Federal role toward Indians summarized as promoting "self-determination without termination."

The validity of the special Federal relationship concept is supported by ample precedent. The trust relationship between the United States and the various Indian tribes was established by treaty. Congressional intent that at least some education services should follow Indians off the reservations was established by the Johnson-O'Malley Act in 1934. We believe the Office of Education has a role to play in the fulfillment of the Federal responsibilities for Indian education. However, this contribution must be made within limits that acknowledge the Office of Education's commitment to all the disadvantaged, and recognize that the Bureau of Indian Affairs is the major locus for fulfilling the larger Federal responsibilities to Indians.

Improvement of the impact of Office of Education resources on the education of Indian children in the public schools will rely on the coordination of the various program commitments, stimulation of quality Indian projects, and constant assessment and evaluation of program direction and responsiveness.

Specifically, a Deputy Commissioner will be responsible for the overall planning, coordination, and monitoring of Office of Education programs assisting Indian education. He will work in close cooperation with the staff of the Office of American Indian Affairs. The Indian staffs of the two offices will be augmented to insure the capability to carry out this task.

The attention of all Office of Education managers will further be focused on Indian education by making it a Commissioner's priority within the Operational Planning System. OPS is a management tracking and reporting system that insures high visibility of priority items within the many activites of the agency.

The Office of Educaton is developing a monitoring plan for Title I which will include scheduled monitoring of both public school and Bureau of Indian Affairs Title I projects. In addition, professional personnel working with the Title I program and the Impact Aid program, authorized by Public Law 874 of the 81st Congress, will be alert for any form of discrimination in these programs and will report any violations to the Office of Education in Washington and the appropriate Regional Commissioner.

Turning to a specific discussion of S. 2724, we are concerned about serious planning and administrative problems if the authorization in section 107(f) of this proposed measure, relating to formulation of the Federal budget in Indian education by the National Board of Regents and the Secretary of the Interior, includes all, or any portion of, any programs administered by the Department of Health, Education, and Welfare.

We oppose the creation by statute of a bureau-level Office of Indian Education within the Office of Education. The legislating of administrative structure does not serve the need for comprehensive planning and flexibility to cope with changes in problems, resources and responses over time. In addition, the creation of a Deputy Commissioner to head a single bureau would place the responsibilities of the officer out of line with the responsibilities of existing Deputy Commssioners who administer the equivalent of more than one bureau.

We fully concur in the need for a mechanism to ensure meaningful participation of the Indian communities in the development of educational policy for Indian children. However, the advisory function of the proposed National Board of Regents for Indian Education would duplicate the advisory role recommended for the existing Education Subcommittee of the National Council on Indian Opportunity.

Pursuant to his Indian Message of July 8, 1970, when the President expressed his support for Indian self-determination as a major goal of our national Indian policy, the Administration has proposed legislation to this end, which is currently pending before the Committee on Interior and Insular Affairs as S. 1573. This bill would provide for the assumption of control and operation by Indian tribes and communities of Federal services provided because of the Indian identity of these tribes and communities. We think that S. 1573 and the Office of Education internal initiatives represent a more comprehensive and appropriate approach for attaining the goal of quality education for Indians than the provisions of S. 2724 affecting the Department of Health, Education, and Welfare.

For the reasons stated above, we recommend against passage of S. 2724.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

/Signed/ ELLIOT L. RICHARDSON, *Secretary.*

Senator BURDICK. I have statements by Senators Anderson, Fannin, Muskie and Cannon which will be included in the record at this point.

(The statements follow:)

STATEMENT OF HON. CLINTON P. ANDERSON, U.S. SENATOR FROM THE STATE OF NEW MEXICO

MR. CHAIRMAN, although I am a co-sponsor of S. 2724, I believe the bill needs improvement before it goes to the full committee and then to the Senate.

My support of this bill, as my remarks will detail, is qualified. I became a sponsor of this bill for two reasons: first, the need to reform the present ineffectual system of Indian education is pressing. The failures of the present system are well documented and well known. Indians, of course, have known the problems firsthand for many years, and, since investigating the problem in depth in 1968 and 1969, the Congress has known them as well. My second reason for sponsoring S. 2724 is that it incorporates language to accomplish what I hoped to do when I introduced S.J. Res. 144 in the 91st Congress; that is, to provide funds for building educational facilities for Indian children. S.J. Res. 144 passed the Senate but died in the House Interior Committee when the last Congress adjourned. I therefore reintroduced this measure in 1971 as S.J. Res. 21. For these reasons I support S. 2724, but before it is enacted, I recommend that these change be made:

Sections 201 and 202. These sections establish the National Board of Regents in the Department of the Interior and assign it its role. My concern is that we are here establishing a quasi-independent board, giving it considerable independence to act as it will, and yet placing it within the Department of the Interior under the authority of the Secretary of the Interior. Under this institutional arrangement, either the Board is not going to be as independent as it is hoped it will be or the Secretary of the Interior is going to be nominally responsible for a Board he cannot control. Both situations are undesirable. I understand the goal of giving the Board as much freedom as it can bear and I appreciate the conflicting necessity of keeping the Board within Interior's boundaries in order to avoid charges of "termination." But I think we ought to remedy the confusing relationship between the Board and the Secretary by including clarifying language in the bill.

Section 207(c). As I read this section, the Board of Regents is given the authority and required to contract solely with "Indian tribal organizations" for the administration of Johnson-O'Malley funds. At present, the administrator of Johnson-O'Malley funds may contract with public state agencies, school boards and various groups. I believe that Johnson-O'Malley funds should continue to be available to any public or Indian agency educating Indian children. Therefore, I recommend that this section be reworded in such a way as to retain for the administrator of the funds the right to contract with whichever public or Indian educational agencies he chooses.

Section 209. I recommend striking those lines which require the annual report of the Board of Regents to be submitted to the Secretaries of HEW and Interior for their recommendation prior to being sent to the Congress. This provision would be improved by allowing the Board's report to be submitted directly to the Congress without the prior "review" of the two Secretaries. The purpose of the annual report is to provide Congress with an explanation and, hopefully, an honest self-evaluation of the Regents' work. Submission of the report to the Secretaries, however, might inhibit the candor of the Board in expressing itself and allow the Secretaries to censor those portions of the report with which they disagree or of which they disapprove. The independence of the Board will be enhanced by the removal of the censor's role.

Certainly, the appropriate Cabinet officers should be invited to comment on the report, but this can happen after the report has been submitted to the Congress.

Section 115. This section gives the Board permission to dispose, at will, of whatever U.S. properties it may possess. This provision does not seem to me to stand in conformity with the Surplus Property Act. Normally, agencies wishing to transfer Federal property to nongovernmental parties must secure the specific legislative approval of the Congress. I recommend that this section of the bill be amended to bring this section into conformity with existing law.

Section 202(b). This section authorizes an additional appropriation of up to 5 percent of the sums appropriated annually under Title II of the bill. The purpose of these funds is to provide "financial assistance to schools or on near reservations which are not local educational agencies or have not been educational agencies for more than three years." I foresee two problems with this section which I hope we will explore in the course of the hearing. First, is 5 percent a reasonable figure? Should it be more? Or less? Second, in saying here that funds shall go to "schools on or near reservations which are not local educational agencies or have not been local educational agencies for more than three years," are we unwittingly implying that a local educational agency must be at least three years old before it is entitled to receive funds under Title II of this bill? I believe we should make the record very clear that this is not our intent.

Section 401(4)(b). This is an amendment to my school construction bill. I do not know who added it and I do not approve of it. This section provides that each tribal organization or Indian school board having jurisdiction over Indian students covered or otherwise affected by a Johnson-O'Malley ccontract shall have what amounts to veto power over the construction plans drawn up by a local school board and financed by Johnson-O'Malley funds.

While I favor the principle of local Indian involvement in Indian education, I see no compelling reason to give tribal organizations or local Indian school committees veto power over the actions of lawfully elected school boards simply because Indian children may be attending schools operated by these boards. In our experience with OEO programs in New Mexico, we have seen the enforcement of requirements, such as the one proposed in this section lead to intense wrangling and bickering which has killed a number of projects and needlessly embittered former supporters.

I understand the purpose of Section 401(4)(b) to be the involvement of local Indians in the educational process, but several points can be made against requiring Indian approval of these specific construction projects. First, the funds authorized here are for buildings—they are not for implementing a curriculum—and the need for a building is determined more by the number of children attending a school than by any other factor. The question of whether a building should be built would not appear, therefore, to be especially contentious. Second, this section is designed to solve problems caused by overcrowded and inadequate facilities. These problems affect Indian and non-Indian students attending a particular school equally, and the solution of these problems benefits them equally. Therefore, in looking after the best interests of one student with respect to these two problems, a school board necessarily is looking afer the best interests of all of the students. The Indian would not be ignored or shortchanged. Third, an elected school board is responsible to the whole community. To make such a board's actions subject to the approval of any one group undermines its representative character and negates its responsibility. Finally, all grants under this section would be administered by the Board of Regents. Should any case arise in which a proposed construction plan would not adequately take into consideration the interests of Indian students, the Board could simply deny the application for funds until the proposal was modified.

In short, the elimination of Section 401(4)(b) would enhance the ability of a school to do its job while the establishment of the Board of Regents in Title I would provide protection for Indian interests.

Despite these objections, I recognize the support this section will have within the Indian community. Last year when I requested the National Congress of American Indians to comment on S.J. Res. 21, the bill which was the genesis of Title IV, Leo Vocu wrote suggesting that language be added stating:

It shall be the duty of the Secretary of the Interior to consult with the governing body of any Indian tribe or tribes the education of whose children will be materially affected by contracts entered into hereunder. Such consultation will be advisory to, and not binding upon, the Secretary, but shall occur prior to the execution of the contract.

I would have no objection to this language being added in place of Section 401(4)(b), and would, in fact, welcome it.

Mr. Chairman, if these recommendations are approved, I believe we will have a better bill and it will have easier passage in the House.

STATEMENT OF HON. PAUL J. FANNIN, A U.S. SENATOR FROM THE STATE OF ARIZONA

We begin, today, the first of three days of hearings to consider S. 2724, the Comprehensive Indian Education Act of 1971. This vital piece of legislation is another important step in Congressional efforts to find a viable Indian education program.

The appearance here today of representatives of the Bureau of Indian Affairs and the Office of Education is important to our consideration of S. 2724. Not only dies it give us a chance to discuss with these two important agencies the merits of legislation affecting Indian education, it also provides us with an opportunity to review the efforts of these agencies in behalf of Indian education. Oversight is an important Congressional function, and it is my opinion that this Committee should give close attention to the Federal efforts in this field of endeavor on a more regular basis.

I want to welcome those participating in these hearings today, and I know that together we will develop a quality educational program for our Indian citizens.

STATEMENT OF HON. EDMUND S. MUSKIE, A U.S. SENATOR FROM THE STATE OF MAINE

Indian education has long been a national disgrace. The 1969 Report of the Special Subcommittee on Indian Education estimated that approximately 75,000 American Indians are functionally illiterate. Indian children have an educational level 2 to 3 years below the national average and a dropout rate two times greater. It is imperative that Congress enact legislation which immediately and thoroughly overhauls the federal Indian education effort.

As a beginning, we must revise the grant system by which the federal government fulfills its commitment to the education of that majority of Indian children who attend local public schools. The funds distributed to local school district under the Johnson-O'Malley and Impact Aid programs have not been widely used for the direct benefit or special needs of Indian children. Indian parents have not often been consulted on what programs might serve these spcial needs. Title II of this Act seeks to cure both these defects by requiring that Indian parents join in devising all special education programs and that no project is funded unless Indian children are already receiving at least the same quality of education as that provided non-Indian children. These provisions, reliably and adequately funded, would go a long way toward correcting the weakness of current federal efforts to aid Indian children attending public schools.

Further, we must restructure the administration of the federal government's Indian School System. The BIA, which runs the Federal Indian schools, has placed too low a priority on Indian education and many aspects of the education function have been diffused through the area directors and offices of the Bureau. While the BIA has contracted with some local Indian school boards to administer their own schools, it has been a small beginning. The boarding schools operated by the BIA for elementary school children are a particular problem that demands attention. Insufficient funding further hampers both school construction and education programs.

The brightest spot in Indian education in recent years has been the innovative efforts created under the Elementary and Secondary Education Act and the Office of Economic Opportunity, which resulted in some excellent programs, such as bilingual education, Head Start, Upward Bound, and Community Action Groups. While these programs have been scattered among various agencies and have suffered from uncertain levels of funding, they have shown what could be accomplished.

I am cosponsoring the Indian Education Act now before this Committee because it too is innovative in establishing a National Board of Regents for Indian Education to carry out the complete restructuring of Indian education. The Board of Regents would establish the education activities and priorities of a National Indian education program to meet the needs of Indian children attending federal, public, or private school systems.

This innovation goes a long way toward achieving the two overriding goals which must be a part of any new Indian education program. First, the Indian Board of Regents and the local Indian school boards that they are instructed to encourage will give Indians control over schools and educational programs which affect their children. In the federal system, Indian parents will be running the schools their children attend. This puts into action the much promised principle of self-determination.

The second goal, the need for long range planning and coordination of programs to maximize their effectiveness, is also achieved by the Board of Regents. These functions are centralized for the first time, so that standards can be set for both federal and local Indian education efforts and achievements measured against them.

The Indian "control" provisions of S. 2724 are crucial. This bill provides that within four years the Regents shall have full responsibility for the Indian education programs of the Department of Interior. The 1969 Subcommittee on Indian Education Report recommended that the National Board of Regents and local Indian school boards be empowered to direct the federal Indian schools, and I believe this Indian self-determination is a requirement if we are to achieve a culturally sensitive, high quality education for our Indian children.

It is clear that to control Indian schools the Board of Regents must make policy and budgetary decisions, but a question arises as to where the Board should operate within the organizational structure of the Department of Interior and in relation to the BIA. While the 1969 Report recommends a Superintendent of Federal schools and makes the Federal school system an autonomous unit within the BIA, this bill makes the Board of Regents independent of the BIA and does not establish the office of Superintendent. Representative Indian organizations have expressed strong opposition to placing responsibility for education outside the BIA and thereby fragmenting the BIA responsibility for federal Indian services. In view of this apparently widespread Indian reaction, the administrative functions of the Board of Regents and its relationship to the BIA should be reconsidered.

Of equal importance with Indian control of schools in this Act is its stress on creating new and culturally aware programs. There is more than ample evidence that old approaches have been disastrously ineffective. Where new programs have been devised under OEO and Office of Education grants, they have shown results. Under this bill, part of the additional federal money authorized is to be used for the development, evaluation and implementation of new techniques. The grants are to be used to bring some fresh starts to a federal Indian education system which has been characterized by rigid bureaucratic structure and control of funding by non-educators, and to state and local schools which have been characterized by disinterest and neglect of Indian children.

A provision of great significance in this bill is Title V, including in the definition of Indians both state and terminated tribes. This accomplishes in the area of education something I have long felt was necessary in all areas—bringing federal benefits to Indians who reside on reservations that by accident of time are under state rather than federal jurisdiction. It also begins to rectify, in the field of education, the vast damage done to Indian people by the disastrous termination policy of the Eisenhower-Nixon Administration. I might say at this time that I hope the House of Representatives will soon consider

Senate Concurrent Resolution 26, which passed the Senate in December 1971, repudiating the policy of termination and reassuring federal responsibility to the Indian people and the federal government commitment to provide basic community services and protect Indian rights and resources.

Another question crucial to Indian Education is funding. In the past, lack of funds has been as instrumental in the relative failure of efforts to achieve high standards in Indian education as outdated, paternalistic, and inflexible approaches. BIA schools have never had enough money and the Impact Aid and Johnson-O'Malley Act programs have over the last few years fallen short of the needs. None of the dramatic restructuring and new emphasis on achieving results implemented in this act can work without an adequate and dependable level of funding.

The Education Act now before the committee is only one of many steps we must take to fulfill our commitment to the long deprived American Indians. The legislation strives to bring the education achievement of Indian children up to the level of the general population not at some time in the distant future, but now. I support S 2724 not as a total solution to the inferior education now provided Indian children, but as an important first step in beginning to help the Indian population of this country enjoy and secure the benefits of 20th century American life, while preserving their Indian culture and heritage.

STATEMENT OF HON. HOWARD W. CANNON, A U.S. SENATOR FROM THE STATE OF NEVADA

Mr. Chairman: I appreciate this opportunity to have my views on S. 2724, the proposed Comprehensive Indian Education Act of 1972, on record.

I have consulted with the Inter-Tribal Council of Nevada on this matter of great importance to all American Indian communities, and my remarks will in great part reflect the viewpoint of the I.T.C.

There are four major bills being considered in Congress now which deal with Indian Education, S. 2416, S. 2482, H.R. 8937 and S. 2724. Of these, the Nevada Inter-Tribal Council has concluded S. 2724 most nearly agrees with the Indian people in the area regarding Indian education.

For some time there has been a growing feeling among Indian people that they should have more voice in the form, content, and administration of Indian education in BIA operated schools. The formation of an effective Board of regents for Indian Education, with a membership majority American Indians, would seem to be a major step in this direction. This should provide for more Indian involvement, at both national and local levels, in policy making, educational program development, and program operations. The provision for local Indian school boards would more directly affect Nevada Indians, because Stewart Indian School is situated in our State.

Studies and investigations by various individuals and groups, including at least one special sub-committee of the U.S. Senate, all indicate that the present programs in BIA schools are deficient in meeting the educational, social, and psychological needs of the Indian students. Lack of quality and effective Indian education is a simple fact to be faced and dealt with by the body of government which is responsible for setting Indian policy and making necessary financial support available, the United States Congress.

The policies regulating admission procedures to BIA boarding schools have had a cumulative effect in developing and nurturing problems which, under present law and operating resources, have become almost insurmountable. When the majority of the student body in any school are either academically retarded, emotionally disturbed, or have behavioral problems associated with other social or psychological factors, you have a situation requiring a very specialized type of program. The present system of Indian education is not capable of coping effectively with this situation. Title II of S. 2724 offers possibilities for the successful development of an educational program more realistically oriented to the needs of Indian students in BIA schools.

Indian parents in Nevada, with children in public schools, are becoming more and more interested in being involved in the development of educational programs which will more adequately meet the educational needs of their children. Since the majority of Nevada Indian school children do attend public schools, the proposed amendments to the Elementary and Secondary Education Act of 1965, included in S. 2724, will have very significant meaning for Nevada Indians. The provision which would be considered essential to Indian parents is for open, informative, consultation, including *public hearings with Indian parents*, teachers, and if applicable, secondary school students, who shall have opportunity to offer recommendation. The committee, required to approve applications for grants, must have parent representation. This is also a significant provision.

There has been considerable dissatisfaction with the lack of information available to Indian parents regarding the use made of funds received by local school districts under Johnson-O'Malley authority. With transfer of administrative authority to the National Board of Regents for Indian Education, and other changes in Johnson-O'Malley educational program support, the Indian people of Nevada will probably find the program more desirable than under the present system of administration.

In Nevada there is an increasing awareness on the part of Indian parents of the desirability of preserving their culture and transmitting knowledge of the Indian culture, past and present, to their children. The educational system for their children can be a significant agent for this type of education. Many educators in Nevada have expressed a desire for more knowledge of Indian cultures to be made available to non-Indian students, and to non-Indian teachers as well. The need for compensatory instruction and dropout prevention is also a matter of considerable concern to Indian parents in various parts of Nevada. The programs possible under Part B of Title II of S. 2724 would seem to be very relevant to the needs and desires of Navada Indians, as well as the expressed interest of many non-Indian educators.

The unemployment rate on most of the reservations and colonies in Nevada is extremely high. Many of the employable recipients of Indian General Assistance, as well as other unemployed or underemployed Indians, are not able to take advantage of some training opportunities because of their low level of academic achievement. The adult education provisions of Part C of Title II of S. 2724 could be very important to many Indians in all parts of the State.

Many State and Federal agencies have expressed interest in recruiting more Indians for positions on their staffs. Quite frequently they say they can't find any *qualified* Indians to hire, this is a national situation, and sometimes it is a cop out, but often is very true. Educational qualifications for most positions, which offer opportunities for meaningful service and adequate salaries, are well above the levels attained by most residents of Nevada reservations and colonies. High dropout rates in high school and college, the small number of Indian high school graduates who enter college each year, and other social and economic factors, preclude any remedy for the situation in the immediate future. However, the amendments to the Higher Education Act of 1965, proposed in S. 2724, would make possible the development of long range programs which could result ultimately in a greatly increased number of Indian young people in Nevada who can successfully pursue college educations, at both under-graduate and graduate levels.

A very significant part of S. 2724 is the provision which makes it possible for Indian tribes and organizations to receive grants in support of planning, pilot and demonstration projects. The accessibility to such funding could be very meaningful to many Indian tribes and organizations throughout the nation.

Senator Burdick. At this time it is my pleasure to call upon Secretary Loesch.

STATEMENT OF HARRISON LOESCH, ASSISTANT SECRETARY FOR PUBLIC LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. Loesch. Mr. Chairman, it is my pleasure to be here this morning. I don't think the committee has had a copy of my statement, I am sorry to say. We had a conflict on account of the budget hearings on the other side of the hill in Congress. Mr. Bruce is not with me this morning. I have instead Mr. James Hawkins, the

Assistant Commissioner of the Bureau of Indian Affairs for Educational Programs, and on my left is Mr. William Benham, the Assistant Area Director for the Navaho Area for education. We are also accompanied by budgetary people from the Bureau of Indian Affairs.

As this committee meets to hear testimony on S. 2724, it would appear important that the testimony be heard in an appropriate context. Much has been written and said of the educational deficits of Indian Americans. Less has been written or said, however, about the rather substantial progress which has taken place during the past 10 to 20 years.

It is possible that the picture which has been put forward has reached a point of being counter-productive so far as the morale of the Indian people is concerned. This is also true of the morale of the many dedicated people serving them in schools of all types. Further, we have long appreciated the support of this committee and we feel the progress made in Indian education is due in no small measure to your support.

To illustrate the quantitative progress made, between 1961 and 1968, the number of Indian students 6 to 18 years of age in school increased by 27,000 for the BIA service population. The percentage of students in school rose from 90 to 94 percent.

An even more notable case of improvement in school enrollment is provided by the Navaho Tribe. In 1946, only 6,000 Navaho students 6 to 18 years of age were reported in school and an estimated 18,000 were not. By 1968, however, records show that 42,457 of 46,869 Navaho students from 6 to 18 were enrolled in school or more than 90 percent. The percent in school rose from 25 to 90 percent in 22 years.

While I do not have the results of the 1970 census for Indian Americans, I feel that the trend revealed by a comparison of the 1950 with the 1960 census will be accelerated considerably. The 1960 census showed that there were 57,000 Indian people in the country who had graduated from high school, as compared with 24,000 in 1950, an increase of 140 percent. And there were 17,000 Indian people who had completed one or more years of college, compared with 6,500 in 1950, an increase of 160 percent. I repeat due in great measure to the efforts of this committee I feel that the results of the 1970 census will show even a far greater acceleration of high school graduation and college attendance.

In relation to school achievement, the Coleman Report in the study of Equality of Educational Opportunity, sponsored by the U.S. Office of Education, confirmed that Indian children achieved at a lower level than white children. However, the revelation was that of the disadvantaged ethnic minorities excluding Oriental Americans, the Indian American achieved highest.

Concerning the drop-out rate of students in 1959 it was estimated that the Indian drop-out rate in both Federal and public school was about 60 percent as compared with a national drop-out rate of 40 percent. A study made in the northwestern States in 1968 showed a rate of drop-out of 47.7 percent. In the southwestern States in 1969, 38.7 percent had dropped out. The comparable national drop-out rate at that time was slightly more than 26 percent.

In the Southwestern study it was shown that some Indian groups were ahead of the national average. To illustrate, for the Nation 27.7 of the students dropped out in grades 9 to 12. However, the Southwestern study showed the Navaho drop-out rate to be 20.5 percent in grades 9 to 12.

Similarly, results of the efforts of this committee to provide opportunity beyond the high school are reflected in other studies made in 1968 in the Northwest and 1969 in the Southwest. For the Northwest, more than 70 percent of the graduates studied had pursued some kind of education course beyond high school. Of this group 52 percent had completed the course of training they had entered.

In the Southwest 74 percent had continued their education beyond high school. Of this group 69 percent had completed either a vocational-technical program or had graduated from college.

Perhaps the most revealing of all studies made in recent years is the Havighurst Study. This study was conduced by Dr. Robert Havighurst of the University of Chicago under a contract with the U.S. Office of Education in 1970. Dr. Havighurst's qualifications are of the highest order. This is probably the most thorough study of Indian education ever conducted on a national scale. It meets the tests of valid research.

This study showed that, among other things, when language factors are discounted, Indian children achieved about as well as white children; that their basic intelligence is at least equal to whites, and possibly superior; that Indian schools compare to non-Indian schools; that most Indian parents and students express favorable attitudes toward schools; that most Indian parents and students accept their schools as adequate; that reports on the suicide rate among Indians have been grossly exaggerated; that most teachers appear to like Indian pupils.

The Havighurst study also draws a conclusion I feel too of prime importance. The conclusion is that school achievement will rise as the socio-economic status of Indian families improves. Indeed, education does not exist separate and apart from the general life of the Indian people. As economic opportunity is provided, I feel that the health and educational status of the Indian people will become more like that of the general population.

I submit to you that this brief statement reveals some of the impressive progress made by the Indian people in the field of education. Further, we join you in a constant search to improve the endeavor.

You, the committee members, are due a large measure of appreciation for the support you have given Indian education.

Mr. Hawkins has a statement on behalf of the Bureau.

Senator BURDICK. I believe I will defer questioning until Mr. Hawkins has made his statement.

Mr. Hawkins?

STATEMENT OF JAMES HAWKINS, DIRECTOR OF EDUCATION PROGRAMS, BUREAU OF INDIAN AFFAIRS

Mr. HAWKINS. Mr. Chairman, I am Jim Hawkins, Director of Education Programs for the Bureau of Indian Affairs.

I would at this time like to present the statement for the Commissioner, Louis Bruce, as the Assistant Secretary indicated, who is on the other side of the hall at the Appropriations hearings. He transmits to you his regrets for not being able to be here.

Mr. Chairman and members of the committee, it is a pleasure to be with you to discuss quality education for Indians. The Bureau of Indian Affairs is vitally interested in the disposition of Senate Bill 2724 and appreciates the opportunity afforded us to present our position on this bill.

At the present time, the Bureau of Indian Affairs has direct educational responsibility for some 52,591 Indian children from kindergarten through high school. Current estimates indicate that one-third of the Indian children of school age are enrolled in federally operated schools.

In addition, the Bureau supplies partial funding for approximately 80,000 children in public schools through the authority of the Johnson-O'Malley Act. Consequently, my formal presentation to the committee will focus on Indian education as it pertains to the Bureau of Indian Affairs.

S. 2724 is an expanded version of S. 1401. It brings together various bills and approaches to Indian education that have been discussed during the past few years. It proposes a major reorganization and redirection of the Federal Government's obligation and responsibility for the education of Indian children.

The bill is based upon several findings, among them that the Federal responsibility for providing education for Indian children, for adult education and for skills training has not produced the desired level of Indian educational achievement; that 25 percent of the adult Indian population is functionally illiterate and is a major contributing factor to the high Indian unemployment rate; and that local communities, individual families, and parents should, as a matter of national policy, be directly and actively involved in decisions relating to the nature and quality of their children's education.

The bill declares that the way to achieve a revitalized national education program is via a National Board of Regents for Indian education.

These findings set the stage and tone of S. 2724 which treats several issues in Indian education that affect the Bureau of Indian Affairs. These include the role of the Bureau of Indian Affairs in Indian education, the organizational structure of the Bureau's effort in Indian education, the development and innovative needs of Indian education and the manner in which Indian educators and Indian representatives can effectively participate in policy decisions which pertain to Indian people.

The legislation now before the committee attempts to meet these issues. The Comprehensive Indian Education Act is laudable for its stated intent to provide for the special education needs of Indian children. While the Bureau recognizes and sincerely appreciates the committee's concern, we believe that the bill does not constitute the best response to the issues previously mentioned.

The most significant aspect of the bill is the proposed removal of the functions and responsibilities of the Office of Education Programs of the Bureau of Indian Affairs to the proposed National Board of Regents.

Title I of this bill establishes in the Department of the Interior the National Board of Regents. This board would consist of 11 members, a majority of them Indians, appointed by the President with the advice and consent of the Senate.

Among duties of the board would be to:

One, submit, within 1 year following its appointment, a national Indian education program, based upon the needs of all Indian children enrolled in Federal, public, and private school systems, to the President for transmittal to Congress;

Two, serve in a program-monitoring role to the Secretary of the Interior until such time as all powers, functions, and responsibilities for Indian education are transfered from the Department of the Interior to the Board of Regents;

Three, assist the Secretary and the Office of Management and Budget in the development of regulations, guidelines, and procedures to provide for the transfer of the educational programs authorized by the Johnson-O'Malley Act, as amended, and administered by the Secretary of the Interior, to the board within 2 years;

Four, devise procedures for assuming full responsibility for the formulation of the Federal budget in Indian education within 36 months;

Five, assume full responsibility for the control and operation of Indian educational programs of the Department of the Interior within 4 years;

And six, devise and implement procedures for establishing new local Indian school boards that will assume control and operation of federally supported education programs, such local operations to be financed from appropriations to the board and various other Federal funds.

Our own soundings of Indian opinion on this and other Indian education bills are not complete. A central position, however, has clearly emerged among Indians: It is that the education programs and responsibilities of the Bureau of Indian Affairs should not be relocated in another agency or board.

Although the National Board of Regents for Indian Education, the major restructuring tool of S. 2724, would be established in the Department of the Interior, it would in reality be an autonomous entity. For example, the Board of Regents would be appointed by the President—Section 103—select and compensate its own employees—Section 106—establish a national Indian education program—Section 107(a)—and submit its plan direct to the President—Section 107(b).

It would receive "from the Department of the Interior" the transfer of all Indian education powers, functions, and responsibilities—Section 107(c)—including those contemplated by the Johnson-O'Malley Act—Section 107(d).

The Board of Regents, not the Secretary of the Interior, would make Johnson-O'Malley Act contracts—Section 107(e)—and ultimately would assume full operational and budgetary responsibilities for Indian education—Sections 107(f) and (h).

The transfer of education programs to the National Board would cause a serious fragmentation of responsibility for Indian Affairs and is opposed by many tribal groups. This constitutes one of our major objections to S. 2724.

In addition, the creation of a new agency in Washington and its endowment with comprehensive responsibility for Indian educations runs contrary to what the President and Indian people themselves desire for the administration of Indian education.

The President, in his July 8, 1970, message stated:

> . . . at least part of the problem stems from the fact that the Federal Government is trying to do for Indians what many Indians could do better for themselves.

The President went on to stress the importance of affording Indians local control of educational programs.

Two bills introduced to implement that message, S. 1573, which would provide for the assumption of control of Federal programs by Indians, and S. 2238, which would amend the Johnson-O'Malley Act to enable Indian tribes to be contracting parties thereto, would, if enacted, be far more significant factors in the improvement of educational opportunities for Indians than the structural changes contemplated in S. 2724.

We believe that the BIA has made substantial progress in Indian education in recent months. The BIA has been moving to provide Indian people, in every instance possible, with a meaningful voice in decisions concerning programs affecting them: examples of such participation are the activity of Indian advisory school boards in the BIA schools, and of the National Indian Education Advisory Committee to the BIA's Director of Education Programs.

These groups are becoming increasingly involved in vital policy and program decisions. They are making recommendations concerning program directions, community needs, budget preparations, program evaluation and assessments, personnel management, and school administration.

The BIA has made increased expenditures in many areas of education, the most dramatic increase being in higher education programs. The BIA works closely with other Federal agencies, particularly the Office of Education, in the planning and operations of Indian education programs.

In addition, Secretary Morton's concern for the special needs of Indian people has been evidenced in his support of S. 2034, which would establish an additional Assistant Secretary of the Interior, who would devote his energy solely to Indian and Territorial Affairs.

We defer to the Department of Health, Education and Welfare as to those provisions of S. 2724 which would affect the operations and programs of the Office of Education.

That is my statement, Mr. Chairman.

Senator BURDICK. Thank you, Mr. Hawkins.

It is our understanding that since July, 1969, it has been the Bureau's goal to have 90 percent of all Indian youth graduate from high school with an achievement level at least equal to those of non-Indian youth by 1976.

Nevertheless, the Bureau recently estimated that the academic achievement levels of Indian children upon completion of high school was 3.3 years below the national average.

What has the Bureau been doing to close the educational gap between Indians and non-Indians upon completion of high school?

Mr. Hawkins. Mr. Chairman, if I may respond to that, we have been seeking in a number of ways to attempt to close the gap between Indian and non-Indian young people.

I would point out, however, that number one, not all Indian young people are in Bureau-operated schools. Far more are in public schools, as Dr. Benham will discuss with you in a moment.

Senator Burdick. Do both the Bureau schools and public schools go into the statistics?

Mr. Hawkins. Yes, sir, they do. I will rephrase that. I believe we are refering to the GAO audit report that recently came out, they were looking at six Bureau schools. I believe the widely quoted statistics pertain to all Indian children.

Senator Burdick. These we received today are on only six Bureau schools?

Mr. Hawkins. Yes, Senator Burdick.

Senator Burdick. Okay. You may proceed. Have you finished your answer?

Mr. Hawkins. No, sir. I am sorry, there were 12 Bureau schools involved in that. I was mistaken. We have in specific instances greatly increased the opportunities for children to receive additional impact in dormitory living, tutoring and a higher teacher-pupil ratio.

This is beginning to pay dividends in several of the schools in which this is being tried, one of them being at Sherman Institute in Southern California.

We are convinced with the opportunity to extend these kinds of intensified programs for Indian children, such as being tried now at Sherman, that the education gap can be substantially closed by 1976. Whether or not it will be completely closed is open to question, because I will point out one other factor, Mr. Chairman.

That is, that the selected population in BIA boarding schools is not an average population of Indian children. The Indian children admitted to BIA boarding schools come from two major populations; one, a population of social deprivation, where there is much conflict with the families, the families may be separated, alcoholic parents, and the final place of refuge for many of those children is a BIA boarding school.

The other group from which our BIA boarding school draws its population are those children who live in such isolated situations that there is no opportunity for them to attend a public school.

I refer to remote areas of Alaska, remote areas of the Navajo Reservation. Children again coming from a boarding school require a substantial catch-up, which we are attempting to do in Sherman, but there is still a long way to go in closing that educational gap.

I merely wanted to point out the disparity between the population of children in boarding schools. Dr. Benham, would you like to make a comment on that?

Dr. Benham. If I can.

The Navajo tribe has also set some goals that fall right into there, and I think answers your question in one illustration, Senator.

One of the first goals is to devise an appropriate program based on the needs of the youngsters. English is a second language in every program. Most of the youngsters come to school speaking little or no English.

Next is the Navajo social studies union, which describes the opportunities for the people and so on.

Next is a curriculum development program, which has parents involved in it, and different kinds of programs made possible by Title I of Public Law 89-10, which covers every fact of the program, including giving attention to dormitory living, trying to develop a situation where there is greater personal contact.

We think all of these measures will have a decided effect on achievement, and we are looking to the time when this narrowing of the gap occurs.

Senator Burdick. Would you say this is the plan of action for closing the gap by 1976?

Mr. Hawkins. Yes, sir, we are now developing the dimensions of a plan of action, which we feel are embodied in the new program at Sherman, and the thing Dr. Benham is talking about.

Mr. Chairman, one other aspect of your question, which I did not respond to, is whether all of the field offices were adequately communicated with in terms of the goals of Indian education.

I cannot adequately answer the question as to why the field offices were not informed. Our program development involves the establishment of goals and I was under the impression, until the audit report came in, that all of our field offices were adequately informed.

I am in the process of taking steps now to make absolutely certain they are informed about the goals that were set nationally.

Senator Burdick. The committee understands that the inability of Indian students to effectively communicate in the English language is a widespread problem, of achieving in the same rate as the non-Indian students.

What has the Bureau done to overcome this handicap? That has been partially answered by the witness.

Mr. Hawkins. I would like to comment that in most of the areas where language is a handicap, for instance in Alaska, English as a second language is a standard part of almost all of the classroom procedures.

I would like to say at this point, Mr. Chairman, that our ability to institute programs of this sort has been largely due to the applicability of Title I of the Elementary and Secondary Act to the Bureau of Indian Affairs, which has given us discretionary money to go into programs of this sort.

Dr. Benham. The problem as it has been discussed and identified has two dimensions. Number one, experience differences as well as language differences.

So, the attempt is to show the youngster, to give him a chance to participate in these other experiences like visiting cities, visiting factories, visiting banks and things you don't find in some parts of the reservation.

Along with that and over the past few years, we have used material that has been developed primarily for other youngsters, like the Cuban-Americans. But along with that, we try to develop material that is based on a contrastive analysis of English and the native language of the youngsters.

Again, we promote the importance of the native language, so the youngster gets an opportunity to participate in a program developed for him. It is in 40 classrooms now, the program, and we have been happy to get it though the fourth grade, and we feel this is all of the English for the second language program that will be needed.

We have other things, that give the youngsters chances to broaden their experience.

Senator BURDICK. In how many of the 200 schools in the Bureau are established special programs dealing with this program? You said 50 or 40; didn't you?

Mr. BENHAM. Forty.

Senator BURDICK. What are your plans about the remaining 160?

Mr. HAWKINS. The remaining 160 I would have to make a specific review, Mr. Chairman, to determine how many of those have special English language programs. I know that in every instance or every area with children coming to school speaking another language than English—and there are some areas where English is the first language of our Indian people—there is emphasis on the English language.

If I were to make an estimate, I would say up to 200 schools, 130 would have programs that involve special emphasis on English language.

Senator BURDICK. What is the projection, what do you plan for those schools that don't use English as the first language?

Mr. HAWKINS. Those are the schools I mentioned, the 130 schools, where we now have programs. In the rest I would say at least 95 percent of those children come to school speaking English.

Senator BURDICK. Were these programs financed by Bureau funds or Title I funds and what is the proportion of both funds used?

Mr. HAWKINS. These programs were originally financed—I am sure most of them predated Title I coming into our schools. Title I has given us the opportunity to expand the applicability of these programs.

At the present time, we are in the process of converting these programs to our regular appropriations structures so that Title I funds might be used for other innovative programs.

I would guess still about half of these programs are being funded through Title I.

Senator BURDICK. And half through Bureau funds?

Mr. HAWKINS. Yes, sir.

Senator BURDICK. Are these programs referring to English language programs designed to provide assistance to all of the students, or only a small select group of students?

Mr. HAWKINS. They are designed to apply to all of those students who have English language programs. In almost every school there are children who do indeed have English as a first language. These children should not be in those classes. This is the case. Perhaps some one closer to the field might respond.

Dr. BENHAM. In the instance such as the Navajo, you will find programs like this, and one other program I failed to mention, is bicultural programs we have in many schools.

You will find English in all of the schools and bilingual in some of the schools.

I am a member of the Creek Tribe of Oklahoma, and I think you will not find the English language in many of the schools of Oklahoma. It is based on what language the youngsters bring to school.

Senator BURDICK. Based upon your experience to date, do you have any opinion on how well it is working?

Dr. BENHAM. Yes, sir. We have tremendous excitement on the Navajo Reservation with this total program for the teacher of English. The people who work in the program, most of whom are Navajos, are real high on this teaching of English. We think it will bring some results.

We think the bilingual, bicultural experiences the youngsters are getting will bring tremendous results. We are trying to develop empirical data to take it out of the guesswork category so we really have some facts to go on.

Senator BURDICK. Do you have any further plans other than those you have announced to improve the English language communication skills to Indian students?

Mr. HAWKINS. I think one other program which is beginning to gain acceptance and indeed popularity is the student-exchange program, which permit students from a reservation school to come, in some instances, across country, to participate in a school in Maryland, for instance, where conditions are very different.

This opportunity to communicate on a very personal level across cultures and between children who originally spoke different languages, we are finding is an effective way to improve communications skills in English.

Our plans would also involve the extension of these experimental programs which we feel are now beginning to work, to other schools where they have not yet been instituted at other grades.

Senator BURDICK. Do you have budget for much of this?

Mr. HAWKINS. We are going to have to seek budget for much of this, Mr. Chairman. We do not have it.

Senator BURDICK. Are you prepared to make the request?

Mr. HAWKINS. We are prepared to make the request in 1974 for it, yes, sir.

Let me, within the constraints placed upon us, which I—I am really the Director of Education Programs, and as you know there are certain constraints placed upon us.

Senator BURDICK. Are you telling me this is going to start in a very small way, is that what you are telling me?

Mr. HAWKINS. I am telling you, Mr. Chairman, that we in Education will place a very high priority on this. It remains to see if the same priority is placed elsewhere.

Mr. LOESCH. Of course, at this point in the budgetary cycle, Mr. Chairman, we are taking a last pass at our program memoranda or similar documents for 1974, and we have given to date a high priority in this area. How it will fall out, of course we are a long way from finding that out yet. We won't find that out until next September or October.

Mr. HAWKINS. And you and I, Mr. Secretary, are very familiar with the test educational program out in the Pacific Ocean.

Mr. **Loesch.** Yes, and the test educational program is having equally good results.

Mr. **Hawkins.** Mr. Chairman, I might mention that for 4 years from 1964 to 1968 I was the Commissioner of Education on Saipan, in the Pacific Islands, and I take some credit for at least sponsoring that test educational program being sponsored out there now.

Senator **Burdick.** How long were you in Saipan?

Mr. **Hawkins.** Four years, sir. In fact we met out there at one point.

Senator **Burdick.** We did?

Mr. **Hawkins.** Yes, sir.

Senator **Burdick.** Glad to see you again.

Dr. **Benham.** Senator, a personal opinion that seems to me to have a little bit of merit in consideration of educational things and youngsters' achievement; I am a professional educator, but I believe increasingly it is being pointed out how very important the general life situation is to the achievement of a youngster in school.

Whatever is done in school is so dependent on what happens to the total society and economic life of people.

Take as an illustration a Navajo or any other reservation, if there is access to economic opportunity, and the things that go with economic opportunity, this has a direct input on what happens in the school and it means a chance for people to catch up—they will still have problems, but they will be more like the general population, and will be like the people.

Hopefully, as these things are considered, this whole general pattern is concerned as well.

Senator **Burdick.** The committee understands that the need for special education programs for students with physicial, sensory or emotional handicaps is much greater than in public schools. This is especially true in the Bureau boarding schools.

The first part of the questions is what has the Bureau done to establish special education programs to assist handicapped Indian students in the school.

Mr. **Hawkins.** Mr. Chairman, this is an area of considerable lack, I will be quite frank to say, throughout the Bureau schools. We have not placed the emphasis on special education as it applies to emotionally and physically handicapped children on our schools.

I think a part of the reason for that is that we have been trying, as Dr. Benham indicated, we have been trying to catch up during the 1950's and 1960's. I think it is now time to start thinking about the possibility of moving more strongly into these programs.

Again, if I may refer to Sherman, there is in place in Sherman a comprehensive program aimed at dealing with some of these problems to which you allude. We have perhaps, and have submitted as a major new program thrust for 1974 a special education component. We are hopeful that it will be looked upon with approval.

Senator **Burdick.** Do you have any statistics to indicate how great this need is or to what extent we have this handicap, how many numbers of students, percentages or anything?

Mr. **Hawkins.** The statistics are somewhat open to question and I will give you an estimate that has been given to me in terms of the need for this kind of program in our schools, but it does run as high as 40 percent for—between 40 and 50 percent in terms of emotional and physical handicaps.

Senator BURDICK. You really don't have a full-going program for it?

Mr. HAWKINS. Except in bits and pieces.

May I ask Dr. Benham to respond?

Senator BURDICK. Yes.

Dr. BENHAM. The answer is right in that many needs remain. At the same time, working very closely with the Indian Health Service over the past 2 years, some programs have been inaugurated. This was based on an actual screening of youngsters in an agency on the reservations to get at the needs.

After that, the special program was set up for them at one school, to help identify the problem, become somewhat of a halfway house for youngsters, and then send them back to the regular classroom in many instances with a better appreciation of the problems the youngster faced.

Also, there is a special program for some youngsters who are hard-of-hearing in another agency. All of the agencies have some programs along this line, that we have tried to solve by working with Indian Health Service.

At the same time, Senator, we have a number of needs remaining, and this is an area that we are very hopeful we will have a chance to move into.

Senator BURDICK. I would think if this volume reached 50 percent of the students, it is a very pressing problem.

Dr. BENHAM. It is indeed, and one thing I might mention in this regard, Mr. Chairman, is that until you begin to get the children into school and you begin to work with them in a normal school situation, some of these problems tend to be obscure. Then when you find out that the regular ways of teaching, the regular methods are not working, you begin to look at the reasons for this.

As I say, we have come to the conclusion that the reasons for this tend to center in this area. This realization has come to us, I would say, within the last several years, and this is why we are hopeful that we can move very strongly into the special education programs in the next several years.

Senator BURDICK. Right now, how many schools do you have special programs in, BIA schools, right now?

Mr. BENHAM. I would estimate some sort of special program in one-fourth of the schools, which would be about 15 or 16.

Senator BURDICK. Do you have any way at this time to evaluate what success you have had with programs that are existing?

Dr. BENHAM. Yes, sir. The programs that are in existence, we are pleased with.

Senator HANSEN. Mr. Chairman, will you yield?

Senator BURDICK. Certainly.

Senator HANSEN. Did I understand you to say that in the schools you attended and examined, you found 40 or 50 percent of the students to be emotionally handicapped?

Mr. Hawkins. No, sir. What I meant to say—the original question was in reference to the off-reservation boarding schools, and it is in these places we find a great number of children with these handicaps because of the population from which they are drawn.

In the regular on-reservation day schools and boarding schools, that figure would be much lower. Although I do believe, in terms of physical handicaps, because of the inability of the Indian Health Service to get services to young children in many instances, there are far more physical handicaps in terms of loss of hearing, bad eyesight, than in the normal population.

Senator HANSEN. Thank you, Mr. Chairman.

Senator FANNIN. Did I understand you to say we have had gross exaggerations as to what exists so far as suicidal rates, and there have been many cases of exploitation as to what is happening in these schools. I can recall one statistic I heard that said that the suicide rate is 100 times the national average. I realize how drastically proper care is needed, but at the same time I think we should have factual information, rather than the exaggerated information.

Mr. HAWKINS. Yes, sir.

Senator BURDICK. Repeat this so I might get it straight. In the boarding school areas you will have need for special education for at least 40, and in some cases 40 or 50 percent of the students, which does not entail in the general BIA school, which I think you said was about half that. Is that correct?

Mr. HAWKINS. I would say 20 percent in the average BIA day school, or say 40 schools on the Navajo Reservation, where we are drawing from the unusual kind of population.

Senator BURDICK. It would seem to me this is something that is going to require a little zeroing in on, as soon as we can, this is much higher than—

Mr. LOESCH. Mr. Chairman, let me interject here, if I may, that the Bureau's effort and the Department's efforts for more than 2 years that I can speak to, has been a substantial increase in the special programs in the schools and we—I don't believe that either Mr. Hawkins or Dr. Benham have really told you yet what has been done in the last 2 or 3 years in the way of closing up the gap. For example, our early childhood education, kindergarten, and teaching English as the second language program, have all been instituted within that period of time. They are not as broad as we would wish, certainly, but on the other hand they are certainly increasing by leaps and bounds.

Senator BURDICK. Mr. Secretary, why don't you submit for the record a little chronology of this, I think it will be helpful for the committee.

Mr. LOESCH. Good, we will be glad to do that.

One other item I would like to bring to your attention in connection with this GAO draft report that we have been sort of obliquely discussing this morning.

Senator BURDICK. I have not seen it.

Mr. LOESCH. It seems to me some of your questions were derived from it, and I see Senator Jackson referred to it directly in his press release of this morning.

(The material referred to is in appendix A.)

One of the things that disturbed me when I came to my present job was the fact at that time retrieval of information, perhaps to a far greater degree than the collection of information, was lousy in the Bureau, to put it bluntly. We made that a priority.

I don't believe you can tell what the situation is with regard to the kids' progress unless, by gosh, you get some results of one kind or another.

More than a year ago when we were developing our program for 1973, we made as one of the priorities in the educational objectives these two things. There is a whole list of educational priorities, nine to be exact, I am going to pick out numbers three and four.

Three, to develop a basic educational information center to facilitate school management by providing relevant and timely information about operating costs, staff and space utility. Four, to assess the impact of BIA funded programs by measuring the achievement levels of students in the two subject areas of reading and mathematics.

The problem that we seemed to have was with the computer printouts, which are voluminous and nobody reads them. You get a stack of them yearly, and you can't get the scope out of them all.

What we need and what this program's objective is, is to take raw data and collate it, condense and make it available to the proper people in the Indian Educational Business. I would like to have Mr. Hawkins speak to what we have managed on that, and don't forget that the GAO report, draft report, the material that went into it commenced to be collected in the spring of 1970 and was finished in July of 1971, I believe.

All I am trying to say, Mr. Chairman, is that a good while prior to the GAO investigation, the Bureau and the Department had recognized a great lack in this very area. They have taken steps to do something about it.

Mr. Hawkins, you might say what we have done.

Senator BURDICK. Since you mention the GAO report, Mr. Secretary, as I say, I have not seen it, if there is anything in the report that you think is not effectual, I would like you to respond to it.

Mr. LOESCH. The reason I refer to it directly is because Senator Jackson's press release mentions it and quotes from it, although he fairly and properly recognizes the Bureau has not yet had a chance to respond to it.

We will respond to it. We have received the draft very recently, I think on the 23rd of February. We are in the process of examining it. We will respond to it. It is mistaken, in some respects, although not in all by any means.

I think the depth of the report is open to a certain amount of question, but we will furnish for the record our comments on it.

Senator BURDICK. Very fine.

(The report referred to is in appendix A.)

Senator BURDICK. The committee understands that in many Bureau schools the counsellors are primarily involved in dormitory arrangements, rather than in providing proper, effectual academic counseling services, and the committee understands, that—under these circumstances, if they are correct, how can the Bureau expect to provide guidance, adequate guidance to Indian students in such areas as identity of aptitude and the placing of students in courses of study in which they are best suited.

First of all, is it correct?

Mr. **Hawkins.** Yes, sir, that is correct. I am sure you are aware, Mr. Chairman, that we operate under a Federal Civil Service System, that our employees are civil servants and, therefore, must meet a standardized set of qualifications promulgated by the Civil Service Commission. The problem is, of course, trying to set a median standard which can be applied to all schools and also get us the numbers of counsellors we need.

I would be the first to admit our standards are less than those of many States. Up until recently we have indeed been focusing in on the problems of dormitory living with our so-called guidance people, and I personally would like to see us separate guidance, which I regard as a professionally oriented service to children to assist them in the selection of careers, and the solving of personal and psychological problems, from full dormitory management, which involves the actual operation of the dormitory. The aides there are in contact with children, although there are obviously and necessarily cross overs in both fields. It is hard to trust a so-called counsellor engaged in dishing out discipline to a child. We have not yet sold the problem of getting professional counselling into all of our schools. It is going to take some modification of the Civil Service rules and regulations and it is going to take some additional personnel for this purpose.

Dr. **Benham.** Mr. Chairman, it is even a little broader than that. Again, I come from an area where there are 48 boarding schools. The first thing the school is charged with, and I think rightfully so, is making the youngster feel at home, trying to provide a home away from home, but we must try to make him feel comfortable and so on.

Our present staffing of dormitories is pretty minimal in most of the schools. The report is right, all the people kind of help on this, inlcuding counsellors. We are aware of this problem. We feel like, whenever we get the other personnel in the dormitory in greater numbers, and this is exactly what we are working on, where you can maintain liaison with the home, work very closely with other people in the school, concerning day-to-day living problems of the youngsters, then get more counsellors and we are in business.

It is not a lack of appreciation of the business, it is a lack of people to fulfill the concept, I think that is the point I am trying to make.

Mr. **Loesch.** On this same subject, Mr. Chairman, it might be well to point out to the committee the fact that Indian communities across the Nation have the highest birthrate of any of the minorities. This naturally results in increases, substantial increases, year by year in the schools, particularly at this point in time in the primary schools.

At the same time, Mr. Chairman, more and more of the Indian children that there are, are staying in school longer. Now, this means that between the longer time they are staying in school and the increase in kids, that we are faced continuously with a certain amount of personnel shortage. This applies, of course, Mr. Chairman, not only to counselling, but across the board.

Mr. HAWKINS. Let me add one final thing. The final thing is, a degree, a Masters or Doctorate in counselling, is not going to automatically assure that that Indian child is going to get the kind of counselling he needs. I submit many of our very highly qualified people do not have the cross cultural sensitivity to understand Indian children, *vis à vis* a non-Indian child in a white school.

We should get better qualified Indian counsellors into our schools.

Senator BURDICK. Isn't it a fact if you look at Title III of the bill, this is precisely what we are trying to do?

Mr. HAWKINS. Yes.

Senator BURDICK. Senator Hansen.

Senator HANSEN. Mr. Chairman, I will make the observation, I too will be very much interested in reading the full GAO report. I do have before me a press release issued by the Chairman of this Full Committee, Senator Jackson, and it is difficult, really, I should think it might be unfair to the thrust of the GAO report to comment just on the basis of the press release. I am prompted nevertheless to make this observation. A few years ago in full conformity with particular attention to minorities, the idea was all of the schools should be integrated. I know in my State of Wyoming this was true, schools were phased out, Indian youngsters there were encouraged to go to other schools, and we find there was an exceedingly high drop-out rate. Part of it wasn't probably attributable to the high schools in Lander and Riverton, necessarily, so much, as to, in part, the way a number of these families live. It was, for example, usual for them to go to Idaho, and help with the potato harvest, and take their youngsters with them, taking them out of school. When they would get back and re-enroll in school, they would be at a tremendous disadvantage, having missed part of that academic year.

We discussed this matter with the Commissioner of Indian Affairs, we met with groups of people there. The Wyoming delegates joined in helping get funding for a school on the reservation, dealing precisely with this, and trying to make available education opportunities for drop-out students.

Then, we found, that not all of the Indians on the reservation thought that was a good idea. Specifically, the Arapahoes were intrigued with the idea and the Shoshones were not enamoured with the idea.

I think, in order to make a fair evaluation of what has been done in these last few years—and I don't mean to imply at all that there is politics in this press release—I would note that there have been some things done, efforts made, that I think may be worthy of some consideration and I would hope that what I have said might contribute a little bit toward an overall objective evaluation of what has been done, I might say Mr. Gerard has been very helpful in trying to help us get the sort of thing going out there, that we hope would be helpful in bringing these youngsters back who have dropped out of school.

Mr. LOESCH. May I say a word here, Mr. Chairman, in regard to this. During my statement or Mr. Hawkins', I forget which, the remark was made that the Bureau has not fully completed any examination it may be making of the Indian communities' attitude in this regard.

You are perfectly aware of the idea, Mr. Chairman, of self-determination that we have been pushing in this administration. I think that overall opinion of the Indian community, if there is one, should be given great weight by this committee in consideration of this bill, and I, for one, and I am certain Mr. Hawkins and the rest of the Bureau, will be most interested in the testimony of the Indian witnesses that you are going to hear in future hearings. I might even say that if evaluation of the testimony before this committee and our evaluation of the attitude of those portions of the Indian community which do not testify before this committee, indicated that there was strong Indian support for the bill, we could reconsider our position.

Senator Burdick. We have a vote on the floor, Senator Fannin is going to preside over the committee until we have the five-bell warning, at that time we will be in recess another 10 minutes or so.

The committee will be in recess for 10 minutes.

(Recess.)

Senator Burdick. Gentlemen, I have one or two more questions here, and that is all I will have. Perhaps my colleagues will ask you some questions.

The committee understands there are instances where Indian students in Bureau schools are without teachers for various periods of time because the Bureau has not made arrangements to have the required number of substitute teachers available to take over when teachers are absent. If this is correct, why has the Bureau allowed the situation to continue, particularly when it recognizes the achievement level of Indian students is below the national average?

Mr. Hawkins. Mr. Chairman, the hiring of substitute teachers is left to the operations of our areas, if not the actual agencies where substitute teachers are employed. I am going to ask Dr. Benham to respond to that. I can certainly understand the unavailability of substitute teachers in some instances. For instance in a small two- or three-teacher day school in remote Alaska, where we send a teacher up there to reside in the village, there is just not available in that village someone to teach who is qualified. What happens is a teacher's aide or some other person teaches there as a substitute.

Dr. Benham. It is true with the Navajo, there are two factors that keep us from hiring substitutes, who would be very desirable. The first is that matter of having funds to hire somebody for this job. As important as it is, our source of funding is such this year that we cannot do it. The other point that keeps us from doing it, is the point that Mr. Hawkins made. We are hopeful in the future we will be able to offer the funds and perhaps get substitutes who are just available for that job.

Senator Burdick. Our next question has been answered, what has the Bureau done to overcome this problem, and it is the question of funding and availability.

Mr. Loesch. Mr. Chairman, I think it needs to be reemphasized that it is not necessarily, although no doubt apparently, a lack of funding.

Where the situation occurs primarily is in remote areas. As a consequence, it is also a matter of availability of substitutes in a remote area.

I can conceive, if we had everything we want in life, of having a sort of circuit rider substitute teacher, who would be on call to go out to these remote villages, but that would be quite expensive, of course, since we would have to have him or her on tap a lot of times when you didn't need him.

Senator BURDICK. Can you tell me whether or not this situation entails where there are more heavily populated school areas?

Mr. LOESCH. Not anything like the same degree, Mr. Chairman.

Senator BURDICK. Do you have any problem getting substitute teachers in the more populated areas?

Mr. HAWKINS. There is the one problem, Mr. Chairman, of the fact that for even temporary hires of substitute teachers they must meet civil service qualifications if they are coming on even on a temporary basis, and there is also the problem of personnel ceiling limitation which may, in some instances, even in populated areas, require certain limitations on the number of substitutes that can be on call. I think that would be an accurate statement.

Senator BURDICK. Before we leave this subject, do you have any plans to try to remedy this situation?

Mr. HAWKINS. Mr. Chairman, I was not aware in any substantial way that it was a problem before the GAO report came to us. I am in the process now of making a more complete investigation than was made in the 12 schools by the GAO report, because I want to determine the full dimensions of the problem.

You may be assured that if the problem is substantial, we will propose remedies to it.

Senator BURDICK. The committee understands that the Bureau does not have an effective management information system which would provide data for use in, one, identifying the educational needs of students; two, designating programs and activities for accomplishing the desired educational goals; three, budgeting and allocating resources to support these programs; and four, evaluating the cost and benefit of these programs in the relation to the planned educational goal.

In absence of such basic information, how can the Bureau expect to effectively administter an educational program for Indian students in its schools.

Mr. HAWKINS. I would like to, Mr. Chairman, share the response to this question with several other people. Let me say at the outset that indeed in the recent past and up until today we have not had an adequate management information system which would let us in Washington—and I suspect those persons in the area offices—know of details of which programs might be under-funded and which might be over-funded.

This decision-making material was just not available.

I would point out, however, Mr. Chairman, that in our 1973 objectives, which Secretary Loesch has already referred to, this was pointed out as a major objective for 1973; a month ago I assigned one of my specialists full time to work with our offices of financial management in the development of such an information system, and this has now been going forward for the last month, and we hope,—in fact, it is expected to have the system in effect by July 1.

I would like to suggest Mr. Sykes, our Director of Financial Management who is in the room with us, and may I ask he respond to this question also.

Senator BURDICK. Yes.

Mr. SYKES. My name is John Sykes, Director of Fiscal Plans and Management.

Senator BURDICK. I am sorry, we have another vote, a 10-minute recess.

(Recess.)

Senator BURDICK. Mr. Secretary, you were in the midst of an answer when the bells rang.

Mr. LOESCH. If I was, Mr. Chairman, I forget what it is about.

Mr. SYKES. Mr. Chairman, I think it was I.

You asked a questions about our financial management system, and Mr. Hawkins answered from the standpoint of educational programs, and he called on me.

What I am going to say sounds like I am disagreeing to some extent to what Mr. Hawkins said, but I would like to go back a little bit in background.

The Bureau attempted before my time with the Bureau, 5 or 6 years ago, to put all of their accounts, financial accounts, on a central system in Albuquerque, on Control Data Corporation equipment.

Admittedly, as I look at the background on it, the thing, as most Government agencies found, just didn't work well those first 2 or 3 years. It worked, we turned out financial information, but it was not sophisticated, it was not as accurate as we would like for it to be.

Where I would somewhat disagree with Mr. Hawkins now is that within the last couple of years we have improved that system tremendously.

I think that we are now getting to the areas and to the central office in Washington accurate reports that do indicate where the areas stand within their programs as far as the money is concerned that was appropriated by the Congress.

One of the problems we have been having is that during the last year and a half to 2 years, as I am sure you well know, we have had tremendous turnovers in personnel at the top level in the central office as well as some of the areas.

I think there has been a lack of communication between financial people at my level and education people at Mr. Hawkins's level. I think Mr. Hawkins would agree that within the last 6 months' relationship with me that we have made temendous strides towards eliminating this lack of communication.

We are indicating where the information is available and it is being supplied to Mr. Hawkins and his budget and finance staff at the Washington level.

I think Mr. Benham would agree with me, that within the last year, the information which is being supplied to the areas has also been improving and as Mr. Hawkins indicated with his staff now—that he has built since he has been on board—his top man on this is with my people in Albuquerque, working out a better reporting system that will give more timely information to each of the areas and to the central office in a more consolidated manner.

I think our problem—and I can take part of the blame for this—when we attempted to set up the system, we attempted to get too much detailed information on each school, and as a result when you ask for more detailed information, when you get 200 schools together all in one pile, you do get a stack of runs this thick (indicating). We are attempting to cut that down.

That is what Mr. Hawkins' people are doing now. We hope to get it down where in a half dozen or more sheets on Mr. Hawkins' desk will be more information on which he can stand.

On each of his accounts, Bureau-wide, within each area, they would have it in these accounts as far as the area is concerned, and as far as the school is concerned.

We feel we have made tremendous strides when the GAO people were around. Some of my people talked to them. We attempted to convince them this information, not necessarily at the very small school locale, but at the area level in a broad category level and was available in the budget office, in Washington. But apparently the way the report was written we didn't quite convince them this was available.

This, I think, is—I think as Mr. Loesch said, in 1973 one of the points we are going for, beginning July 1, we will be turning out real good information from the machines.

Of course, the information out of the machines is only as good as the information that goes in. This is dependent on the people in the field putting in the information. We think that what they have come up with and what we can get on the machines for them is going to give them some real good answers as to where they stand.

One thing that I would further indicate is that, of course, getting in the obligations and expenditures against these accounts, doesn't give you much analysis unless the programs people get on the records what they have estimated they are allotting to each of those accounts, so you can tell how much has been spent and how much is left for the rest of the year.

Even with that, any financial sheet you look at is not going to give you the complete answer unless you go into some analysis of each one of those accounts, and that is what the programs people will have to do with each of these.

Mr. HAWKINS. May I add one thing to this, Mr. Chairman?

There is a difference between a financial information system and an educational information system. The ideal educational information system marries with the basic information data, information about the number of students in school, and average daily attendance, so you can begin to make comparisons of per pupil cost in various categories.

This is what is missing at the present time, and this is something that we as education people have to supply to the computer, if you will, the forms and the reporting necessary on the average daily attendance, the average daily membership, the enrollment, and things of this sort.

This is now what we are in the process of putting together so by next September we will have an adequate system when the kids come back to school.

Senator Burdick. That is what you intend to do?

Mr. Hawkins. Yes.

Senator Burdick. I am also pleased to know you fellows got to know each other.

Mr. Sykes. I think we are relating very well, now, sir.

Senator Burdick. Senator Fannin?

Senator Fannin. Thank you, Mr. Chairman.

I don't want to minimize the tremendous need that we have still remaining in Indian education, but I do agree with you that progress has been made, perhaps not to our entire satisfaction, but we can just look at the greater anticipation now in the programs that have come forward in the last few years, great progress.

We know that we have schools in various areas of the country that are now making good progress, the Navajo Community College in Arizona is one, and of course there are many other schools around the country.

I would like you to describe for the committee the process which you use to consult with the Indian community concerning the content and management of Indian education programs.

Mr. Hawkins. Mr. Senator——

Senator Fannin. If you do not want to take the time required to cover all of the programs, you can digest it and then furnish us with a report.

Mr. Loesch. Let us do that, furnish it for the record.

I would briefly say we are provided with the very wide-spread consulation and input of the Indian communities into their schools, but we will furnish a full report.

(The information referred to follows:)

The Bureau of Indian Affairs has been moving to provide Indian people, in every instance possible, with a meaningful voice in decisions concerning programs affecting them. Such groups as Indian advisory school boards in BIA schools, Johnson O'Malley parent advisory committees, and the National Indian Education Advisory Committee are increasingly being involved in vital policy and program decisions. They are making recommendations concerning program directions, community needs, budget preparations, program evaluation and assessments, personnel management, and school administration.

Senator Fannin. One question has come up this morning that I did want to ask. Has the BIA given any consideration to Civil Service regulations governing teacher employment and tenure? Has anything been done in that regard?

Mr. Hawkins. To the present time, apart from doing some planning and thinking about this problem, we have made no approaches to the Civil Service Commission regarding teachers. It seems, if I might interject a professional personal note which has not yet been cleared with or have the support of the Bureau or the Department, but let me say this, Senator Fannin: If we continue in the direction in which we are going, which is essentially Indian control of their own local community schools, these are local independent school boards or will become so in every sense of the word, we are talking about a phase-out of Civil Service teachers.

There is no future for Civil Service teachers under such a system.

I might add, Senator Fannin, that two other Federal systems have moved in this direction in the last 10 years, the overseas dependent schools have eliminated the Civil Service criteria for hiring and employing their teachers and while I was out in the Trust Territory of the Pacific Islands, we eliminated the Civil Service rules and regulations for people coming out of the United States into Micronesia.

We have to give consideration now to the future of Indian education, in particular, the control of Indian education being placed in the hands of local Indian communities, and whether employment as civil servants is appropriate for teachers coming into that system.

I would suggest now is the time to decide this is not an appropriate system for our teachers coming into the school.

Dr. Benham. As you know, we have tried over the past several years to make self-determination operative, in terms of providing each community with an advisory board of education that plays the role in the school affairs, to become a part of the State school system, to become a part of a tribal school system or to become a contract school, such as the school with which we began in 1967.

There has been much discussion of these, as well as the doors kept open for any other alternatives that the people want to come up with. I have been very heartened by this response in terms of discussion. Two schools are going to contract this year.

Again, this leaves us open for each individual community to decide the route that it wants to take.

Senator Burdick. Is Rough Rock one of the schools—

Mr. Benham. They have been considering it.

Senator Fannin. We know they need assistance, but at the same time if we can encourage them to have—one of the greatest needs we have is to a school system whereby the youngsters can live at home and travel to the school, but we realize the home condition is almost as important as schools themselves.

Over the years the States have assumed greater and greater responsibility from the standpoint of financial as well as other obligations and have picked up the cost that formerly were borne by the Federal Government.

I think that the—those are the types of schools we are talking about, the public school with an Indian school board or combined school board or whatever it may be.

We have to keep in mind what can we do in the way of educating those youngsters and accomplishing those objectives at the least cost possible.

We know that the cost of educating them is going to be more They don't speak the English language when they come to school, and we do have serious problems in that regard, but I am just wondering if we can't, or if you would recommend working out a better program of the States, especially those that are so involved with Indian education, whether a greater portion of those costs could be picked up by the Federal Government.

Dr. Benham. Indeed, the problem is a great one, and let's use Navajo as a continuing illustration. We just got the statistics the other day between fiscal year 1970–71, the number of youngsters going into schools did increase 2,000 youngsters.

There are some problems in the public school in two areas, number one, in the terms of funding of construction, which the bill deals with, and I realize that the U.S. office will comment on, and I realize the other ability to finance the regular programs that go beyond what is ordinarily provided in the schools to meet some of the unique needs.

I suggest part of the problem is, as the public school people have talked with me, part of the problem is not having the assurance of being able to count on a regular supply of funds, such as Public Law 89–10 and other aids that presently exist that they need so badly in order to plan budgets and so on.

I think that is one dimension of the problem, Senator.

Senator FANNIN. The States are hard pressed, we all know. They come to the Government for assistance, and we are placing an extra burden on them. I feel it is a good program, and it is not that I am condemning what is happening, other than I just feel we must furnish a great percentage of these funds.

I think it is the Government's obligation where an Indian student is going to a public school to finance the total cost of that student's education.

Don't you feel that is only fair? You know, the States cannot spend money they don't have. They can't write insufficient fund checks. We at the Federal Government don't worry about that, we just spend money we don't have and never pay it back, and that worries me just as much as the other. The States cannot afford to do what I think should be done, and I think it is a Federal obligation, and I feel as compared to the Federal Government in our case, and the cases involved, the State of Arizona is certainly one, New Mexico could.

Mr. LOESCH. If I could make an observation here, I would say, Senator, it is pretty much a question of degree. Nobody doubts, and we certainly support the idea of funding extra costs required by the cultural background of the Indian children. That, of course, is the entire purpose of the Johnson-O'Malley Act.

The question of whether or not the ordinary program costs of education, that is on the same level as the non-Indian children, should be handled by the Federal Government, I wouldn't believe the Department would be prepared to say at this moment.

Some of those costs are covered by Title I, of course. It is Title I of 814. But I question, though perhaps this ought to be deferred to the Office of Education, whether the Federal Government ought to pay everything. After all, States have an obligation.

Senator FANNIN. I am talking about reservation Indian youngsters. The States are taking over an obligation they were not required to take over. In other words, the BIA would still continue furnishing education to that youngster if the State did not take over. The State is assuming that obligation at a lesser cost than it would be to the Federal Government than if he remained in a BIA school.

I don't see why the Federal Government wouldn't take advantage of that, and benefit to that extent, and really try to promote it.

Mr. LOESCH. Well, certainly I am kind of talking off the top of my head on this. I haven't given that sufficient consideration or consulted at all about it.

Senator BURDICK. May I interrupt. There is the 5-minute warning again. Since it is 5 minutes after 12, we will adjourn.

We will be voting to 2 o'clock, as it appears now.

Would it be inconvenient for you and your staff to come back at 2 o'clock, Mr. Secretary.

Mr. LOESCH. Not for my staff, Mr. Chairman. It would be hard for me.

Senator BURDICK. I have some questions with regard to the report that has been filed wish regard to the bill. I have some questions that I would like to ask, so long as someone with the knowledge will be back.

We will be in recess until 2 o'clock.

(Whereupon, at 12:10 p.m., the hearing was recessed, to reconvene at 2 p.m., this same day.)

AFTERNOON SESSION 2 P.M.

Senator BURDICK. My colleague from Arizona advised me that Dr. Shofstall has a problem on his return to Arizona, and I wonder if it, would be inconvenient to any of the other witnesses if he was called right after the Department is finished. If not we will call him after we get through with the Department witnesses.

These questions have to do with the report and structure of the bill.

On page 4, bottom of the first paragraph, the report states, the transfer of education programs to the National Board would cause a serious fragmentation of the Indian Affairs and is squarely opposed by the Indians. Have you undertaken a scientific survey to support this statement?

Mr. HAWKINS. No, sir, we have not undertaken a scientific survey to support this statement. These are feelings which have been gleaned from a wide range of Indian meetings, including our National Advisory Committee meeting and represent a feeling of consensus, Mr. Chairman. We feel that the Indian voice will be heard next week, and should that voice be different from what our own feelings are, as Secretary Loesch indicated, we will be willing to reevaluate our own position.

Senator BURDICK. On page 4, the last paragraph, your report mentions two bills, S. 1573, which would provide for the assumption of control of Federal programs by Indians and S. 2238, which would amend the Johnson-O'Malley Act to enable Indian tribes to be contracting parties thereto.

Both bills are part of the President's legislative package to implement his July 8, 1970 message to Congress. It is our understanding that the National Council on Indian Opportunities conducted 18 separate regional conferences with Indian tribal groups at a cost of approximately $40,000. To interpret this legislation to the Indian people; to gain their understanding, and hopefully their then endorsement of the various bills.

Has this effort resulted in any widespread endorsement by tribal leaders of the President's Indian legislative package? What about S. 1573 and S. 7328, which you single out in your report?

Mr. HAWKINS. Mr. Chairman, of my personal knowledge I cannot at this point give you the results of those meetings held by the NCIO. May I ask if Mr. Benham has had any other feelings, and if not I would be happy to supply something for the record.

Mr. Benham. No. Mr. Hawkins. I do not.

Mr. Hawkins. Mr. Chairman, may I introduce Mr. Robert Bruce of our legislative council who may have some light to spread on this.

Mr. Bruce. Mr. Chairman, there were 14 meetings held, 16 meetings held, around the country. I participated in six of those meetings. The bills which were introduced this year, which in the case of the takeover bill was an amendment from last year, were changed in some respects in recognition of changes that were asked in the bill by the tribes resulting from those hearings.

The hearings were held in two different sequences, the first sequence was to explain the bill and then they went back for the second set of meetings to get the recommendations of the tribe.

The two bills mentioned in the report were amended to reflect the views of the tribes in most part. There were some recommendations that the administration was unable to accept. The administration did consider all of the views represented by the tribes during the second set of hearing, and tried to bring those bills before they were reintroduced into conformity with the tribal views.

Senator Burdick. But it didn't embrace all of the views.

Mr. Hawkins. In some instances they were unable to do so because of various reasons.

Senator Burdick. Given the wide range of opinions among the tribal groups, the reservation versus urban interest; the regional tribal interest, and so forth, do you believe it is possible to gain a valid Indian consensus on far-reaching legislative proposals such as S. 2724? Do you expect to get an Indian consensus on the President's total Indian legislative package?

Mr. Hawkins. Mr. Chairman, in my own personal view, my experience with Indian groups across the country for the last 15 years, I think it will be difficult to get a consensus given by a diversity of circumstances which will face many Indian groups, the interest of each being somewhat different.

If, however, we narrow the gauge of consensus to the major constituency which the Bureau serves, which are those Indians who live on reservations and who are one-fourth degree Indian blood or more, I do believe it is possible to get a fair consensus from this group. It will not even be under any circumstances 100 percent, and they only represent let's say, a 60-percent view. I do feel that there may be an opportunity to get a consensus from the on-reservation Indian groups.

Mr. Bruce. Mr. Chairman, may I add to that, and I think you are aware of how that consensus on some issues is arrived at.

As an example, President Nixon introduced in his package an Indian Financing Bill which is in part financing—which in part considers and incorporates some long-discussed financing intiatives that the Government has had with reference to Indian tribes and I believe that generally the bill the President put in, which has had long-time consideration by the Congress, does have the majority support of reservation Indians, and that consensus was arrived at over a long period of years, as with Indian input in hearings and in consultations with them.

But using that as an example, I do believe that you can get some kind of general Indian consensus on most of the features that the President has presented in the bill as well as on the educational measure.

Senator BURDICK. This consensus you refer to refers to the finance aspect; doesn't it?

Mr. BRUCE. Yes.

Senator BURDICK. Do you know of any consensus on S. 2724 from the Indian people?

Mr. HAWKINS. No, sir. I can say I was out with the House Hearing on Education Proposals, and I do know there was fairly general testimony from groups in various parts of the country to the effect that not all but a good, more than majority of the tribes, I would say, did oppose fragmenting the education activities of the Bureau. They did not want it separated out.

I think if you would obtain a copy of those hearings you would find that was a position taken by a majority of the tribes, not everyone.

Senator BURDICK. Where was that hearing held?

Mr. HAWKINS. Those hearings were held in various places of the country; New Mexico, California, Washington and Alaska. Mr. Benham was present at the hearing in New Mexico and I think he can give you some views on what was said in the Mexico hearing.

Senator BURDICK. As the former witness just said, next week we will get some more consensus.

The first paragraph on the last page of the report comments on Indian Advisory School Boards in the Bureau of Indian Affairs Schools.

How many advisory boards are now in existence?

Mr. HAWKINS. There are 200 advisory boards now in existence, Mr. Chairman, one for each of our schools.

Senator BURDICK. What is the scope of their powers and authorities?

Mr. HAWKINS. The scope of the powers and authority of these boards tends to vary depending on the area in which they are located and the school which they serve. I would look at perhaps a pretty good cross-section of how these boards function, to ask Dr. Benham to tell us how they function on the Navajo.

Dr. BENHAM. In 1959, the Navajo tribal council passed a resolution establishing school boards for the Federal schools on the reservation. The school board is made up of representatives of the local chapter, which is somewhat like a county sort of arrangement, and from the local chapter board members are elected to the school or schools that serve the chapter.

Board members make regulations as to the personnel, participate in legislative development processes in what is to be offered in the school.

The schools follow a State course of study, but a number of things can be done in addition to that. The boards pretty much work in the advisory capacity on all areas of tribal council makeup, agency boards, and they also establish an interagency board which meets to consider things which could not be settled on an agency school board basis or local school board basis.

Along with this out at Arizona State University, there has been a school board training program in operation for the last 3 years.

I think one of the offshots of this that I can't help but mention is something that I think is due in some measure to the emphasis given in school affairs, is that at the present time, all of the public school districts on the Navajo reservation have a majority of members who are Navajo, not only in Federal schools but participation in the public schools has picked up.

Senator Burdick. When differences of opinion arise, whose view generally prevails?

Mr. Benham. Let's take on the selection of personnel, as an example.

It is the Federal Administration that signs the selection certificate.

I would say 95 percent of the time there has been accord. It has not come to a confrontation in the other 5 percent of the time. The Federal school personnel does the selecting.

Senator Burdick. When a school administration or teacher turns out to be unacceptable to the advisory board, does the board possess any legal authority to dismiss such employee?

Mr. Benham. No legal authority.

Senator Burdick. They can recommend?

Mr. Benham. Yes.

Senator Burdick. But the final decision is in the Federal administration?

Mr. Benham. Yes, sir.

Senator Burdick. In the same paragraph of your report you mention an Indian Education Advisory Committee?

Are its functions, authorities set forth in a formal charter?

Mr. Hawkins. No, Mr. Chairman, they are not set forth in any formal charter. We are currently working on, for the signature of the Secretary of the Interior, a charter for this committee which grew somewhat like Topsy, beginning back in 1967, when former Commissioner Bennett appointed a number of members to advise him on Indian Education problems. I would say that the use of that Board has tended to vary with the Commissioner of Indian Affairs and the person who is in my position as Director of Educational Programs.

It is my hope that by a formal chartering by the Secretary of Interior, this group will gain more legitimacy and more authority in making its recommendations to the Commissioner of Indian Affairs. I think the controlling word in this group is the word advisory because it is an advisory committee.

Senator Burdick. And not formally organized.

Mr. Benham. Not formally organized, except insofar as it has been reauthorized by the Secretary of Interior, which is required by Executive order every 2 years.

Senator Burdick. It is purely advisory and has not any real formal structure.

Mr. BENHAM. It has a formal structure in that the members are appointed for 3 years on a rotating basis. They are compensated at several levels. We have four meetings a year, they keep their minutes and make their formal recommendations. I cannot point to a piece of paper which is their charter at this point in time.

Senator BURDICK. Can you identify six major policy decisions in education made by the Bureau of Indian Affairs during the past year which have been directly influenced by this advisory committee?

If you can't name six, can you name five and so forth?

What decision has been made that directly has been influenced or effected by this advisory committee?

Mr. HAWKINS. Mr. Chairman, I can name several offhand. Number one, the decision to make a major study of all of our off-reservation boarding schools in order to attempt to determine what the future of these schools ought to be, was a direct outgrowth of studies and recommendations made by the National Advisory Committee. The emphasis which we are preparing to place on early childhood education is another example. The budget currently before the Congress provides for $1,000,000 for a given effort in early childhood education on Indian reservations, and was an outgrowth of a direct recommendation made by this advisory committee. The efforts which we will be making and giving more authority to the contract schools was in part from their recommendations before I came on board and in part their recommendations influenced the President's message in 1970.

The special education effort which is going to be a major thrust in 1974 is another recommendation which was the result of the advisory committee's recommendations.

There is one other one which I can mention. We have this past fiscal year and this current fiscal year been faced with a great deal more emphasis on the culturally relevant education for Indian schools. Offhand this is about as good as I can do.

Senator BURDICK. How much money have you budgeted to the support of the advisory committee? Anything besides their per diem and mileage?

Mr. HAWKINS. I will have to get the exact amount for the record, Mr. Chairman, but we do in addition to their per diem and mileage provide for program review business to off-reservation boarding schools and other special education programs, so they may have the benefit of taking a look at these programs and making recommendations to you.

(The information referred to follows:)

Approximately $22,000 was budgeted for FY'71. Because of the increased involvement of the National Indian Education Advisory Committee, the budget for this fiscal year (FY'72) was increased to $50,000 and is used primarily for per diem, travel, and intermittent pay.

Senator BURDICK. You say this committee meets four times a year. Where does it meet?

Mr. HAWKINS. In varying places, usually in conjunction with one of these major programs they want to take a look at. The past year they met on the Hopi Reservation. The advisory board met in Billings, Montana, in order to take a look at the Northern Cheyenne Reservation.

They met at San Diego to take a look at the urban Indian education program there. They will be meeting here at the end of this month in order to meet, in addition to their own deliberation, with Commissioner Marland.

Senator **Burdick**. In the same paragraph on the last page of your report, states:

"The BIA works closely with the other Federal Agencies, particularly the Office of Education in the planning and operation of Indian education."

Is there a formal systematic planning effort between the BIA and Office of Education setting forth joint goals, objectives priorities and strategies designed to overcome the educational deficiencies of Indian children, and if so, please outline the mechanics of such planning to the committee.

Mr. **Hawkins**. It is formal relationship which began at least a year ago with a joint signing of the memorandum of understanding with Commissioner Marland and Mr. Bruce in examination of Title I funds in the Bureau of Indian Affairs, and has continued on a formal and informal basis since then. At the present time we scheduled the meetings once a week with Dr. Hazoff in the U.S. Office of Education, in which we have already planned an agenda for about a month ahead, in which we examine specific problems of Indian Education and ways of uniting to solve these problems.

Tomorrow we are meeting on how best to fund from the U.S. Office of Education and ours, the efforts to produce more culturally relevant materials for Indian reservations and tribal groups in both elementary and high schools.

Senator **Burdick**. That is not a formal stage. You meet when you think you have a problem and you don't meet regularly?

Mr. **Hawkins**. Since about a month ago we have started meeting regularly once a week, and we have set aside one morning or afternoon a week, depending upon the various schedules when the two officers can get together to consider these formal agenda items. We have projected this item somtime in the past, so we do work on them in advance.

Senator **Burdick**. The staff would like to send you some questions along these lines, and if you would mind replying to them, we will make that a part of the record too.

Mr. **Hawkins**. Yes.

Senator **Burdick**. On the last page of your report, in paragraph two, reference is made to S. 2034, to provide an additional Assistant Secretary of the Interior whose primary responsibilities would include Indian and territorial affairs. Are you aware of the Senate's legislative history on this bill?

Mr. **Hawkins**. No, sir. I am not personally aware of it.

Senator **Burdick**. We passed the bill.

Mr. **Hawkins**. Then I applaud the Senate.

Senator BURDICK. Looking at this bill as a whole, do you have any objection to it other than what appears in Title I, the Board of Regents asked that.

Mr. HAWKINS. I would prefer to defer to the U.S. Office of Education in that regard, Mr. Chairman.

Quite frankly, the Department has no position on the rest of the bill and I personally have no objections to the rest of the bill, except insofar as the implication—well I think the implications in the rest of the bill for Indian education are very significant, but the details have not been under major study by our office and I would prefer not to comment further on that.

Senator BURDICK. At the moment your Bureau does not have any objection to any portion other than the Board of Regents at the moment.

Mr. HAWKINS. No, that's correct.

Senator BURDICK. You have no objection to upgrading teachers and the like?

Mr. HAWKINS. No.

Senator BURDICK. And no objection to expanding Johnson-O'Malley?

Mr. HAWKINS. No, sir.

Senator BURDICK. And you would assume at this moment the core of your objection is the Board of Regents?

Mr. HAWKINS. Yes, sir.

Senator BURDICK. Senator Fannin.

Senator FANNIN. Thank you, Mr. Chairman.

On the BIA & HEW agreement of understanding, there are several questions which I would appreciate your answering regarding the implementation of that agreement. Also, I have some questions concerning your position respecting the comment you made on the "fragmentation of the responsibility for Indian education."

I will submit those questions to you, and I appreciate very much your patience, and I apologize for the breaks in between.

(The questions referred to and the responses are in appendix A.)

Mr. HAWKINS. We welcome your questions, Senator.

Senator BURDICK. The staff has a few budget questions and then we will send you back to your office.

Mr. GERARD. Mr. Hawkins, we want to establish for the committee's information a little more detail on the purposes of the so-called 1299 account or the 1299 program.

Can you explain briefly the purpose of this account and program? You may rely on your budgetary people.

Mr. HAWKINS. Thank you. I would like to call on Mr. Sykes for that.

Mr. SYKES. Mr. Chairman, this is an account, that is, I guess, best termed as an overhead account that the Bureau has. It has the expenses that we have to incur that run across the board, do not fit in any one particular program such as education, welfare or resource management or construction. It is divided into two parts, one is administrative expenses, one we call program expenses. The total of the administrative expenses is made up of $6 million appropriations in our budget, called general administrative expenses. I think it is $6,075,000 and the rest of it is the other $3 million which makes up $9 million assigned on a proportionate basis, based on money added to the other activities. This makes up $9,827,000, which is what we call the administrative overhead. There is another $13 million which is also assigned in a proportionate basis to the program activities. These things cover such things as our big Indian affairs data center in Albuquerque, which we use for financial information as well as some of the other information that we will be putting on for education and the others. In total, Mr. Chairman, this overhead, including the 6 million which is appropriated, amounts to a little more than 5 percent of our total appropriation of something over four hundred million dollars. It covers everything from the commissioner's office and his staff on down to the agency superintendent and his staff at the lowest level.

Mr. GERARD. Can you produce for the record the amount of money assessed against the education appropriation for the 1290 program, for the current fiscal year?

Mr. SYKES. Yes, sir, right now the amount for administration is $1,520,000, which is .9 percent of the appropriation for education and the program expense item is $5,449,000 which is 3.3 percent of their appropriation or a total of 4.2 percent, and that 4.2 percent is applied across the board.

Mr. GERARD. So the total assessment against education then is in the neighborhood of $6,900,000?

Mr. SYKES. Six million nine hundred seventy-nine.

Mr. GERARD. Closer to 7 million.

Mr. SYKES. Yes.

Mr. GERARD. Would it be fair to say that with 50,000 Indian children enrolled in Bureau schools, that the average expenditure for the education of these students is about $150 a student.

Mr. SYKES. You mean if you put the 50,000 into the 7,600,000?

Mr. GERARD. Yes, sir.

Mr. SYKES. Yes.

Mr. GERARD. I have one other question you will have to respond to later for the record. I would like to read it, however, and provide you with a copy following the hearing today. This has to do with the education budget also. It has come to the committee's attention that during the 5-year period ending June 30, 1971, the Bureau of Indian Affairs expended about $500 million in carrying out federally operated

Indian education programs, including about $50 million obtained through other Federal programs, including the Elementary Education Act of 1965.

For each of these five preceding fiscal years, can you detail for the committee the following information.

One, total assessments against these education funds at headquarters for administration and other support services.

Two, the amount of education funds allocated to each of your 11 area offices?

Three, the total noneducation activities, if any, charged against these funds in each of the 11 area offices.

Four, the net expenditures of education funds at the various facilities and installations which are considered to come within the Bureau's educational system for Indian children.

We realize that you can't respond fully to these questions today, but we would like to have the answers for the record.

Mr. SYKES. Yes, I will, thank you.

(The information requested follows:)

BUREAU OF INDIAN AFFAIRS

(1) It has come to the Committee's attention that during the 5-year period ended June 30, 1971, the BIA expended about $500 million in carrying out the Federally-operated Indian education programs, including about $50 million obtained through other Federal programs, such as the Elementary and Secondary Education Act of 1965.

For each of these five preceding fiscal years, can you detail for the Committee the following information:

1. Total assessments against these education funds at headquarters for administration and other support services.

BUREAU OF INDIAN AFFAIRS

1. EDUCATION ASSISTANCE, FACILITIES AND SERVICES CHARGES FOR GENERAL SUPPORT, FISCAL YEARS 1967-71

Fiscal year	Appropriated	Administration	Percent of program	Other support services	Percent of program	Total general support	Percent of program
1967	$84,397	$928	1.1	$1,919	2.3	$2,847	3.4
1968	86,937	956	1.1	2,040	2.3	2,996	3.4
1969	96,485	1,061	1.1	2,498	3.6	3,559	3.7
1970	117,815	1,266	1.1	3.617	3.1	4 883	4.2
1971	143,657	1,528	1.1	4,676	3.2	6,204	4.3

2. The amount of education funds allocated to each of your 11 Area Offices.

3. The total non-education activities, if any, charged against these funds in each of the 11 Area Offices.

DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS AREA ALLOCATIONS

[In thousand dollars]

	Aberdeen	Albuquerque	Anadarko	Billings	Juneau	Minneapolis	Muskogee	Navajo	Phoenix	Portland	Washington, D.C.	Sacramento	Total
2. EDUCATIONAL ASSISTANCE FACILITIES AND SERVICES													
Fiscal year 1967	8,902	5,167	5,107	1,097	8,989	655	3,698	34,831	9,905	2,159	1,040		81,550
Fiscal year 1968	8,944	4,362	5,207	975	9,231	684	3,821	35,135	9,972	2,114	3,496		83,941
Fiscal year 1969	9,812	4,202	5,710	1,089	10,847	933	4,125	38,673	10,687	2,398	4,451		92,927
Fiscal year 1970	12,470	5,291	6,826	1,804	13,871	1,525	5,291	45,027	12,599	3,379	4,814	35	112,932
Fiscal year 1971	16,171	7,391	8,629	2,374	17,066	1,950	5,557	53,421	15,295	4,383	4,828	389	137,453
3. ADMINISTRATIVE AND GENERAL SUPPORT													
Fiscal year 1967	189	154	79	54	245	30	138	322	184	96	1,356		2,847
Fiscal year 1968	199	162	83	56	258	31	145	339	194	101	1,428		2,996
Fiscal year 1969	237	192	99	67	306	37	172	403	230	120	1,696		3,559
Fiscal year 1970	325	264	135	92	420	51	236	553	316	165	2,326		4,883
Fiscal year 1971	413	335	172	117	533	64	301	703	401	209	2,945	11	6,204

4. The net expenditures of education funds at the various facilities and installations which are considered to come within the BIA's educational system for Indian children.

DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS

4. NET OBLIGATIONS—EDUCATION OF INDIAN CHILDREN

[In thousands of dollars]

	Fiscal year 1967	Fiscal year 1968	Fiscal year 1969	Fiscal year 1970	Fiscal year 1971
Educational assistance facilities and services: Non-Federal	11,429	12,186	14,497	20,098	25,530
Federal facilities:					
Boarding schools	54,912	58,316	62,709	69,751	82,837
Day schools	12,859	13,723	15,962	21,798	27,131
Indian contract schools				809	936
Summer programs	910	989	924	1,206	1,765
Total	80,121	85,213	92,082	112,722	137,998

Senator BURDICK. Our next witness will be W. P. Shofstall, and he will be introduced to the committee by Senator Fannin.

Senator FANNIN. Thank you, Senator.

I am pleased to introduce Dr. Shofstall, who is State Superintendent for Public Instruction for Arizona and is a former Dean of Students at the Arizona State University. He has been working with education programs for years, is a great leader in his field of endeavor and we are proud to have him with us. He is a great American and a person we are very proud to have in Arizona.

He has with him, Mr. Chairman, Mr. Gus Harrell, Deputy Superintendent. He has a wide background in educational activities and has worked with the Arizona Legislature, has worked in the field, and has been back many times with the delegation from Arizona working on Indian education. We are pleased to have him with us today.

STATEMENT OF DR. W. P. SHOFSTALL, SUPERINTENDENT OF PUBLIC INSTRUCTION, ARIZONA DEPARTMENT OF EDUCATION; ACCOMPANIED BY GUS HARRELL, DEPUTY SUPERINTENDENT

Dr. SHOFSTALL. Mr. Chairman, Senator Fannin, I want to thank you for inviting me here to speak today. Our situation in Arizona is unique regarding Indian education.

This is true, first, because we have a higher percentage of Indians in our State than any other State with the possible exception of Alaska. So far as I know we have more Indians enrolled in State public school on Indian reservation land than any other State. Furthermore, approximately 85 percent of the land in Arizona is federally or State-owned and therefore not available for taxation for education. This is the critical aspect of the problem. And there are other circumstances which make our problem unique.

It is for these reasons that we are especially appreciative of the opportunity to speak here today.

Without a historical introduction we wish to discuss specifically the position of the State of Arizona regarding proposed legislation establishing a national Indian education program identified in S. 2724 as presented to the 92nd Congress, First Session, on October 20, 1971.

President Richard Nixon in his message to Congress on July 8, 1970 has said:

> It is long past time that the Indian policies of the federal government begin to recognize and build upon the capacities and insights of Indian people, both as a matter of justice and a matter of enlightened social policy. We must begin to act on the basis of what the Indians themselves have been long telling us. The time has come to break decisively with the past and creat conditions for a new era in which the Indian future is determined by Indian actions and by Indian decisions.

We believe the President would not have made such a statement had he not studied the plight of the American Indians. We in Arizona agree fully with the policy enunciated by the President. We do not, however, agree with all parts of the proposed legislation set forth in S. 2724.

For example, 27 percent of the land area in Arizona is held in trust by the Federal Government for Indian uses as Indian reservations. 44.3 percent of the land in our State is other Federal property. The State of Arizona owns 13.2 percent of the land in the State. This distribution of ownership leaves only 15.3 percent of the land available for partially financing the total needs of the State of Arizona. S. 2724 does not seem to recognize such facts.

In the area of education we seem to be doing quite well, even with great limitations. For example—and I believe these figures to be quite important—public school enrollment for children of Indian heritage in Arizona during 1969-1970 was 14,322. That enrollment during 1970-1971 was 16,366, an increase of 2,000 in one year.

We expect the enrollment for this current fiscal year to be a little above that. The projected enrollment for next year, 1972–1973 is 19,608 Indian children in public schools on the reservation. In 1973–1974 we estimate there will be 21,842 children. These numbers do not include the Indians who have left the reservation, moved into our cities and towns and become truly self supporting tax paying citizens of the State of Arizona.

Senator BELLMON. May I ask a question at this point. This increase, a portion is population growth. What is the balance of it?

Dr. SHOFSTALL. Senator, I don't think it is. I think they are students who do move. Mr. Harrell would have a guess as to what causes it.

Mr. HARRELL. Population growth moving from BIA schools and mission schools into the public schools.

Senator BELLMON. Thank you.

Dr. SHOFSTALL. We in Arizona try not to differentiate between the Indian child in public schools on the reservations and any other child attending the public schools in cities and towns not on an Indian reservation.

The U.S. Department of Interior, Bureau of Indian Affairs, Office of Education, issued, for the fiscal year 1970, statistics concerning Indian children showing that 18,363 Indian children in Arizona attend Federal BIA schools. It is quite apparent that the Indians themselves prefer and are attending the public schools in Arizona in greater numbers each year. In other words, they are voting with their feet.

The proposed legislation before this committee establishes a National Board of Regents for Indian education. It is our opinion that such a Board of Regents is, in fact, needed. We would, however, recommend that the intent of Congress should clearly state that the Board of Regents shall work with and through the State Department of Education in those States having Indians attending public schools on the reservations in the establishment of goals and objectives of a National Indian Education Program.

Arizona does not agree that funds to support educational programs in public schools should be administered by Indian tribal organizations. Mr. Chairman, I would like to emphasize this. But we do feel they should be administered by Indian School boards. I think all of our school boards on the reservations have one or more Indians, and practically all of them have a majority of Indians on the school board.

If public education within the State is a State responsibility and there is a serious question concerning this regarding the education of Indians living on reservation lands, then negotiated contracts and agreements for funds to support such educational programs within the framework of the public school system of a State should be negotiated with the State authorities.

The States have been willing, but not always able, to involve Indian people, either through their tribal leaders or individually. Most, if not all, of the public schools on reservation lands or near reservations in Arizona do now have local Indian board members.

The development by the Board of Regents of a program of vocational, technical and career or higher education for Indian youth and adults certainly can be better done at the State level. The State of Arizona, beginning last year, has and will, in my opinion, appropriated substantially more state funds per capita for the development of an intelligent career education program than any other individual State in the Union.

I can substantiate that.

There is established in the U.S. Office of Education, an Office of Indian Education for administering the provisions added by this title. The Office of Indian Education shall be headed by a deputy commissioner appointed by the U.S. Commissioner of Education from a list of nominees submitted by the national Board of Regents for Indian Education of the Department of Interior. We tend to agree with this.

Title II of the proposed legislation provided or conditioned entitlement of a grant to a local educational agency having at least 10 Indian children, except in Alaska, California and Oklahoma. This title authorizes funds for planning evaluative pilot projects, establishing, maintenance and operation of designed programs including minor remodeling of schools and classrooms and acquisition of specially designed equipment to meet the educational needs of Indian children.

The conditions and provisions are numerous and indicate the contract is between the U.S. Commissioner of Education and the local school districts. We feel the contract should be between the U.S. Commissioner and the State department of education.

Finally, of course, the proposed statute does provide that the State agency may comment on applications for such funds.

Again, we would ask, is education a State responsibility?

We in Arizona do believe in local autonomy and do, as far as is possible and practical, provide local school districts with technical and professional assistance in designing, implementing and evaluating their own educational programs.

However, we recognize also that with total involvement it is not possible to get all participants to agree with all things, therefore, there must be some agency, entity or individual to make final decisions.

The changes in existing statutes are agreed to with one exception. Public Law 81–874, at least in Arizona, does not require any amendments at this time. This public law was amended, I believe, in 1958 to include Indian students as students eligible to be counted for the purposes provided for in Public Law 81–874.

On the basis of our experience, we would take issue with anyone suggesting that Indian students in Arizona are not able to participate on an equal basis in the school programs of a school district receiving 874 funds. We would agree with the new section authorizing the U.S. Commissioner of Education to make grants to State and local educational opportunities for adult American Indians. We are trying to do this in our own State much more.

Title III of the proposed legislation amendment to the higher education Act of 1965 is acceptable and necessary.

We agree that the Title IV amendments to the Johnson-O'Malley Act—to provide construction funds—are also necessary. We feel that construction of school facilities by school districts on or near Indian reservations educating large numbers of Indians could more properly be handled by the Department of Interior, Bureau of Indian Affairs than through HEW via Public Law 815.

It is suggested that Public Law 815 be amended to delete eligibility of school districts qualified to participate under Title IV of this proposed legislation. In other words, not have it in both pieces of legislation.

Since 1954, Arizona has provided a good educational program for the Indian children in our State, both on reservations, and we have many reservations, and near reservations. We have 14 tribes in Arizona, all living on reservations.

As stated heretofore, the Indian people leaving the reservations and coming to Phoenix, Tucson, Globe or any other city or town are treated as other residents of that community and seem quickly to lose their identity as an Indian.

The rapid growth in numbers of Indians voluntarily being educated in the public schools is tremendous in Arizona.

The question has repeatedly been asked whether a State can tax the income of reservation Indians. This question in the past has been one of little practical importance, but now, due to the current financial crisis in education, the States must search out new sources of revenue.

Recent attempts by three States to tax the income of reservation Indians have occasioned a division of judicial opinion on whether States have the power to levy such a tax.

The opinions trace the theories that historically have controlled relations between the Indian tribes, and the States and Federal Governments, analyze modern judicial approach to these relations, and conclude that both legal theories and public policy militate against holding that a State may tax the income of reservation Indians.

The Minnesota Supreme Court denied the State power to tax while the New Mexico and Arizona Courts of Appeal upheld the State power to tax incomes.

Section 20 of the enabling act for Arizona states—I think this is fairly important for us:

> The people inhabiting said proposed state do agree and declare that they shall forever disclaim all right and title to such land lying within said boundaries owned or held by and Indian or Indian tribe where right of title shall have been acquired through or from the United States or any prior sovereignty, and that until the title of such Indian tribes shall have been extinguished, the same shall be subject to disposition and under the absolute jurisdiction of the Congress of the United States.

This same section of our enabling act also contains the following:

> That provision shall be made for the establishment and maintenance of a system of public schools which shall be open to all children of said state and free from sectarian control and said schools shall always be conducted in English.

It appears obvious from these two parts of Section 20 of the enabling act that it is mandatory that Arizona maintain a system of public schools open to all children of the State, except for all children on Indian lands.

The State, by the terms of the enabling act, had no title, or right, or even jurisdiction, unless granted by the consent of the Congress of the United States.

The U.S. Government agreed by a treaty with the Navajo Indians, signed June 1, 1868, that for every 30 children attending school, a house would be provided together with a teacher competent to teach the elementary branches of the English language and the Navajo Indians pledged to compel their children, male or female, between the ages of 6 and 16, to attend such schools.

Other Indian tribes with reservations in the State of Arizona do not have treaties with the U.S. Government. The other tribes have been and are governed by a series of Executive orders.

These points are brought to the attention of the committee to help state more clearly the position of Arizona in respectfully requesting that legislation pertaining to education in the States, that would not allow the States to regulate education as per the terms of that State's statutes, not be considered.

Now, to summarize our position—incidentally, I might say, before coming here, we met with the leadership of our legislature, the executive branch of government and are trying to express the position of our State in this matter.

One, we believe State public school education should be available as near the reservation Indian child's home as practical—we have now Indians busing 40 miles one way, back and forth to public schools—and that these public schools should be an integral part of the State school system and operated just as all other State public schools off the reservation except for financing.

Two, Indians can, at this time, vote in public school elections in Arizona. They can and do elect their own public school boards and are rapidly becoming responsible citizens in the field of State public education.

If you want to talk about self-determination, I believe we have it in our public schools, through the public school boards, about as well worked out as anywhere in the country, as any aspect of our system of government.

Three, non-Indian children who live on the reservation attend the State public schools in their districts the same as the Indian children who live in the district receive the same instruction and use the same facilities. This, in our opinion, is as it should be.

Four, we are trying to be constructive here as much as we can, we believe the State department of education should have a special department of Indian education manned entirely by Arizona Indians for the purpose of providing educational and financial services to the public schools located on Indian reservations. This department should be financed by the BIA and/or the U.S. Office of Education.

Five, we believe the U.S. Government has both a moral and legal responsibility to finance the education of Indian children living on Indian reservations while they are attending public or BIA schools, while the State of Arizona should finance the education of the non-Indian children attending these same public schools located on Indian reservations. The educational programs in these schools should be financed at the same dollar level as the programs in other schools throughout the State of Arizona.

Having stated our beliefs, we should also make clear some of the things we do not believe:

One, we do not believe it is possible nor desirable to try to devise guidelines for a uniform system of Indian education for all the different tribes of Indians in Arizona or in the United States. We believe that each tribe has unique characteristics. This is the rationale for a department of Indian education in the State department of education.

Two, we do not believe Indians should be educated separately from non-Indians any more than absolutely necessary and certainly there should not be separate education in State public schools.

Three, we do not believe in setting up a government within a government to manage Indian education any more than we would believe in setting up a separate State to handle all aspects of the political lives of any other minority group.

To repeat, we have already in operation public schools on all the Indian reservations in Arizona. These public schools enroll slightly more than 50 percent of the Indian children living on reservations in Arizona.

The number of Indians on the school boards of these public schools varies from one to all of them. We have some instances where Indians are presidents of the local school boards. Participation of Indians in the public school management, through the local school boards, has been increasing rapidly.

We have studied the desires of Indian parents regarding the education of their children and find no significant differences from those of non-Indian parents. Quite a bit of talk today has been about the desires of Indians. We felt the parents were the people we should go to. These studies were made by Indians in the language of Indians within the hogans in which the Indians live.

Therefore, we anticipated the President's admonition:

". . . we must begin to act on the basis of what the Indians have long been telling us."

We believe we in Arizona are now in a position to truly institute the spirit and the letter of the policy set forth by President Nixon, namly, to ". . . recognize and build upon the capacities and insights of Indian people."

S. 2724 is obviously inadequate, as now formulated, for this noble and practical policy, but we offer the full cooperation of our State of Arizona in achieving the goals set forth by the President.

I want to add, paternalism in Indian education has, in my opinion, been a curse on the American Indians. Senate Bill 2724 reorganizes and strengthens this paternalism, it provides for increased Indian participation in the administration of this system.

We feel the direction should be toward more local autonomy.

Senator BURDICK. Senator Fannin, do you have a question of the witness?

Senator FANNIN. Thank you, Mr. Chairman. I commend you for a very commendable statement.

How critical is the need for additional facilities in those public schools having a substantial number of Indian students? I have been to some of these schools, I remember on the Hopi reservation where we had equipment there for the construction; how great is the need for additional equipment in that regard?

Mr. SHOFSTALL. I would like Mr. Harrell to speak to that.

Mr. HARRELL. On the Hopi Reservation in King's Canyon, we do not have a school of our own. We do use a school facility of the BIA. That particular school will probably want to phase out Federal operations soon, they indicate, and operate as a public school.

The other schools on the reservation continually make application each year for facilities through Public Law 815. Public Law 815 has generally $200 million worth of applications, eligibility applications with an appropriation annually of around $15 million.

So, we do not see any chance of Federal participation in constructing school facilities.

Now, a public school in Arizona may only construct school facilities themselves by voting a bond issue. Many of the districts on the reservation have no taxpayers or taxable property, so they cannot have bond issues either.

Senator FANNIN. I perhaps was referring to the wrong school. I was trying to think of one of the schools that I did visit. We had a public school with very modern equipment. I think it was on the Hopi Reservation. I recall the utilization of that equipment.

Is there another Hopi Reservation school in one of the Hopi villages—I mean, one of the Navajo villages, and there are two schools, and the equipment is now being utilized jointly to some extent.

Mr. HARRELL. Senator Fannin, I think you are thinking of Tuba City on the Navajo Reservation. The public school and BIA school are right next to one another. They do use the material, the equipment.

Senator FANNIN. The laboratory at the BIA school was not adequate?

Mr. HARRELL. That is correct.

Senator FANNIN. I was making a trip around that city, I had forgotten where I visited that particular village involved, but I remember drastic differences between the two programs being carried forward and beyond, but what the BIA school is probably costing the Government in excess of what it would cost to run a public school.

Mr. HARRELL. The students in the public school, we have been told, is less cost than the BIA operation. In Arizona, our State average is around $800 per student.

Senator FANNIN. Isn't it true too that not to many years ago almost all of the Indian students were going to BIA schools, either on or off the reservation, and when Arizona started assuming the responsibility of the education of the Indian students, by building schools on the reservation, and the Federal Government would cover the full amount?

Mr. HARRELL. Yes, this was about 1950.

Senator FANNIN. I can remember we had a number of meetings in this regard, some here in Washington and some in Arizona. We adopted a program because we thought it was best for the training of our Indian youngsters, for their education, to have them attend these schools and make the classrooms available to them in greater numbers, and that we would assume that almost with the assurance of the legislation, and that the Federal Government would assume this financial responsibility.

I also recall that we had many negotiations on this phase of activity, and we didn't always come out on top. We are assuming each year a greater and greater amount of the expense.

Mr. HARRELL. Yes, sir, and it is increasing rapidly.

Senator FANNIN. With the changes now that were referred to by Dr. Shofstall, the ruling in some of the States, it is possible we will be up against a very serious problem, is it not?

Mr. SHOFSTALL. As you know, Arizona supports schools on the basis of private property, and the same cases in nearly every State indicates that the supporting of public schools on the basis of private property is going to be cut down very heavily.

We look towards the point that 90 percent of the support of the local school district will come from the State in the future, whenever that comes. That means the support of the reservation schools will have to come out of our total state budget to the extent of 90 percent.

Senator FANNIN. We look forward to the hope that we will have funds available for all of our students, and certainly we want equal education of every youngster in the United States, and so, realizing that great problem facing us there have been considerations and there has been discussion, and we on the Finance Committee discussed the different methods of taxation that would ease the burden, and, of course, there is value added tax and other proposals that have been discussed and will be considered in the future.

But as far as the load that will be borne by the State of Arizona, in some areas of the state it would be so burdensome that we would just need to change our State laws.

For instance, the county laws we have now, when a student goes from a junior college, for instance, or to a school in another county, it is the obligation of that county to pick up the tab.

We have some counties where the Indian population is as high as 60 percent or more.

Mr. SHOFSTALL. Yes.

Senator FANNIN. Sixty percent of the students could possibly be——

Mr. SHOFSTALL. Yes.

Senator FANNIN. And I guess in Navajo and Apache counties, it could be greater than that.

Mr. HARRELL. Yes, sir.

Senator FANNIN. What steps have been taken by Arizona to implement the President's position on Indian educational affairs?

Mr. SHOFSTALL. Mr. Chairman and Senator Fannin, we are trying to get as many of the school boards in the public schools on the reservations manned by Indians as we possibly can. As I indicated, what we need is a Department of Indians with which we can help train our—I mentioned this morning that Arizona State University is doing that. We need to have a statewide program for training school board people and helping them run their schools, but the responsibility, legal as well as moral, needs to rest with the local school board, and we are working as rapidly as we can in this direction.

Senator FANNIN. Then they would be in the same position as all of the other school districts, there would be, of course, the problem then of proper financing. I realize that is not a question I should put to you, the problem is at the Federal level. It does not seem reasonable or fair and equitable with these youngsters, unless we have a different method of financing their schools.

So, we have 70 percent either under the ownership or control of Federal Government, there is a great Federal responsibility. I think—I don't think it is necessary trying to bring that forth. I think there are not too many States in that position, so we do not get the consideration that should be forthcoming.

I hope you will provide any additional information which you think would be helpful to indicate the difficulty we are having and will have.

Mr. SHOFSTALL. Mr. Chairman and Senator Fannin, I hope you will, and if you get these questions to us, we assure you we will do our best to get you a responsible answer quickly.

Senator BURDICK. We would like to point out one aspect of this legislation concerning the right of Indian people to exercise control of Federal schools at the local level. You appear to question this aspect of the proposed legislation.

Mr. SHOFSTALL. Yes.

Senator BURDICK. If you take the bill and turn to page 10, I will read something with you.

Mr. SHOFSTALL. All right.

Senator Burdick. Subsection (i). It reads that the Board of Regents gives you the power to:

> Devise and implement procedures for establishing new local Indian school boards which shall assume control and operation of federally supported education programs. Such local Indian school operations shall be financed from appropriations to the board and various other federal funds. These local Indian school boards may not be given full control of a local Indian school until they have met appropriate standards and criteria established by the Board of Regents. The Board of Regents shall not interfere with activities of already established local Indian school boards, but may extend them such assistance as they may request;

There is authority to give them complete independence with Federal finance.

Mr. Showstall. I fail to see the distinction, Mr. Chairman. You say local school board, Federal supported programs. Would you include our public schools in that category?

Senator Burdick. No, it is just the Federal obligations.

Mr. Showstall. That is correct, and I am talking about the public schools, as opposed to the BIA schools. This does not give the authority to the public schools to carry out Federal supported schools.

Senator Burdick. You know we can't interfere with the public schools.

Mr. Showstall. I understand you can't interfere, but I was hoping you could support.

Senator Fannin. I think the question is, we have many of these schools on the Indian reservations, and the financing is a very drastic problem.

Senator Burdick. Your testimony has been very helpful and we thank you for your contribution.

Mr. Showstall. I thank you for your patience.

Senator Burdick. Our next witness is Honorable Christopher T. Cross and Dr. Don Davies, and Richard Hayes. You may proceed in any manner you wish. I would hope we can conclude your testimony at 5:00 o'clock.

STATEMENT OF CHRISTOPHER CROSS, DEPUTY ASSISTANT SECRETARY FOR LEGISLATION—EDUCATION, AND DR. DON DAVIES, DEPUTY COMMISSIONER OF EDUCATION FOR RENEWAL; ACCOMPANIED BY: DICK HAYES, ASSISTANT COMMISSIONER FOR SPECIAL CONCERNS; RICHARD FAIRLEY, DIRECTOR, DIVISION OF COMPENSATORY EDUCATION, AND HELEN SCHEIRBECK, DIRECTOR, OFFICE OF AMERICAN INDIAN AFFAIRS

Mr. Cross. Before we begin, I would like to introduce the people at the table, Mr. Fairley, Thomas Burns, Dr. Davies, who will be giving the main statement, and Richard Hayes, the Assistant Commissioner.

Dr. Davies does have a statement representing the administration of Indian education programs by the Office of Education, it is fairly short, we would like to have him read that into the record.

Senator Burdick. You may proceed.

Dr. Davies. Mr. Chairman, I would like to express the regrets of

Commissioner Marland who is not able to be here because the House Appropriation Committee hearings on our 1973 budget are proceeding at this time and the statement that I am going to read into the record represents Dr. Marland's views on these matters.

Mr. Chairman and members of the committee.

I appreciate this opportunity to discuss with you a subject of vital mutual concern, quality education for Indians. I would like to describe the current efforts of the Office of Education to help improve the education of Indian children and the future role we envision for the Office, as well as our more specific comments as they relate to legislation now before the committee, S. 2724.

Office of Education programs are intended to provide assistance to State and local education agencies and institutions of higher education to strengthen educational opportunities for all Americans.

A critical aspect of this role is assistance to school districts for the compensatory education needs of children from low-income families. In fiscal year 1972, over $12.2 million in Elementary and Secondary Education Act Title I funds for compensatory education were transferred to the Secretary of the Interior for the education of eligible Indian children. The transferred funds are administered pursuant to a "Memorandum of Understanding" between the Office of Education and the Bureau of Indian Affairs.

It is estimated that another $14.8 million in Title I funds are being used for the education of Indian children by public school districts across the country. These funds are directed toward the special educational needs which arise from the diverse linguistic and cultural heritages of the Indian children.

Another program directly related to the needs of many Indian children is the Bilingual Education program. Through the Bilingual Education program, children of limited English speaking ability receive instruction both in English and the primary language in a well organized program which encompasses part, or all, of the curriculum. The bilingual approach includes the study of the history and culture associated with the mother tongue.

A complete bilingual program develops and maintains the children's self-esteem and a legitimate pride in both cultures. Projects now being funded by the Office of Education involve 13 different Indian languages and over $3 million, including $750,000 that is administered by the Department of the Interior pursuant to a Memorandum of Understanding concerning Bilingual Education funds.

The linguistic and cultural diversity among the Indians makes the special training of personnel who work with Indian children extremely important. Counseling and teaching personnel must be flexible and responsive in a wide range of educational situations. There is an especially urgent need for trained Indian educational personnel.

Under the Educational Professions Development Act, Title V of the Higher Education Act of 1965, the Office of Education is spending some $2.5 million on training personnel who will serve Indian children. These persons are participating in projects which include training for: bilingual teachers, pupil personnel services, which includes counselors of all kinds, education leadership, teacher trainers, early childhood teachers, teachers for special education for the handicapped and teachers for adult basic education.

A strong aspiration of the Indian people is that the Indian youth should have the opportunity to pursue a higher education. In fiscal year 1972, $791,000 was spent through the Talent Search program to help young Indians achieve that goal. This represents over 14 percent of the budget for that program. A total of $3.3 million, 7 percent of the program budget, was obligated for Indian projects by the Upward Bound and Special Services programs. In addition, it is estimated that Indian students were assisted financially by $2 million in Educational Opportunity Grants, College Work-Study funds, and National Defense Student loans during fiscal year 1971.

The resources being committed to Indian education by the Office of Education are significant. However, we do not believe that the impact of our efforts has been fully proportional to the resources involved.

This problem was first brought to Commissioners Marland's attention shortly after he assumed the job of Commissioner of Education by concerned members of his staff such as Dick Hayes, Assistant Commissioner for Special Concerns, and Helen Scheirbeck, Director of the Office of American Indian Affairs. As a result, last April Commissioner Marland formed an Indian Education Task Force and named Dick Hayes and Dr. Ted Bell, then Deputy Commissioner for School Systems, as joint chairmen. The task force was requested to accomplish the following objectives: Assess the Office of Education's current efforts in Indian education; recommend a policy framework for the Office of Education for Indian education; and make specific recommendations for enhancing the effectiveness of the Office of Education's contributions to Indian education.

Commissioner Marland has endorsed subsequent Task Force recommendations as Office of Education policy and implementation of that policy is now in progress. The important elements of this policy include:

Acknowledgement of the Office of Education responsibility as a contributor to the fulfillment of the unique Federal relationship to the Indian people.

Improvement in the impact of the Office of Education resources being committed to Indian education through planning, coordinating and reporting systems.

Augmentation of the Office of Education's access to the counsel of the Indian people through the addition of an Indian advisory group to advise the Commissioner of Education.

Research on the unique educational problems of the urban Indians and the provision of technical assistance to trying to meet these special needs.

Development of plans for monitoring Title I and Public Law 874 Impact Aid funds obligated on the basis of Indian children to guarantee that such programs are being lawfully administered in relation to Indians.

I have already outlined in broad terms some of the Office of Education's current efforts in Indian education. At this point I would like to explain the general policy framework that we have adopted and some of the specific measures we are taking to implement the task force recommendations.

On July 8, 1970, President Nixon transmitted to the Congress a

Message on Indian Affairs. The central theme of the President's Message is a clear affirmation of a special and enduring relationship between the Federal Government and the Indian people. This affirmation is a prelude to the definition of an overall Federal role toward Indians summarized as promoting "self-determination without termination."

The Administration has proposed to implement this policy statement through S. 1573, under consideration by this committee, which would provide for the assumption of control and operation by Indian tribes and communities of Federal services provided to them.

The concept of the special Federal relationship to Indians has deep historical roots. The trust relationship between the United States and the various Indian tribes was established by treaty. Congressional intent that at least some education services should be available to Indians off the reservations was established by the Johnson-O'Malley Act of 1934. The Office of Education has a role in contributing to the fulfillment of the Federal responsibilities for Indian education. This contribution will be made within limits that acknowledge the Office of Education's commitment to equal educational opportunity for all and recognize that the Bureau of Indian Affairs is the major locus for fulfilling the larger Federal responsibilities to Indians.

Improving the impact of Office of Education resources on the education of Indian children in the public schools will require coordination of the various program commitments, stimulation of more effective Indian projects and assessment and evaluation of our direction and responsiveness to Indian needs and desires.

These steps will not automatically implement themselves. Responsibility must be clear and necessary resources applied to make sure our commitments are carried out. I have been designated by Dr. Marland as responsible Deputy for the overall planning, coordination and monitoring of our program for Indian education. Pursuant to working agreements now being developed between myself and the Office of Special Concerns, we will work closely together to focus agency activities. The present staffs of the two offices will be augmented by the addition of Indian professionals to insure the capability to carry out our assigned tasks.

The attention of all Office of Education managers will further be focused on Indian education by making it one of the Commissioner's priorities within a management tracking and reporting system that insures high visibility of priority items within the myriad activities of the agency.

In order for these concepts of management, programs and resources to have any realistic impact on individual groups of people, those groups must be able to communicate their concerns and aspirations to the system. The Office of American Indian Affairs does represent the Indian peoples in this respect.

The increase in Indian staff with the Office of Education will serve to improve communications with the Indian people. To further augment our access to the voices and technical resources of the Indian communities, Secretary Richardson has invited the members of the Education Subcommittee of the National Council on Indian

Opportunity to serve as an advisory body on Indian education to the Office of Education.

Earlier in my statement I referred to Title I of the Elementary and Secondary Act, which provides compensatory education funds for the special education needs of children from low-income families. Title I is the major single source of Office of Education assistance to Indian Children.

Over the past year we have taken several major steps to insure and enhance the effective use of these funds for Indian children. As I mentioned earlier, in April of last year Commissioner Bruce and Dr. Marland signed a Memorandum of Understanding between the Office of Education and the Bureau of Indian Affairs governing use of funds transferred to the Secretary of the Interior under Title I.

The Division of Compensatory Education which administers the Title I program, reports that 148 parent councils have been established at sites where Indian children are receiving educational services in BIA schools pursuant to the terms of the Memorandum of Understanding.

Also, the Division staff has completed over 50 percent of their schedule of 29 site visits to areas where Indians are receiving educational services.

Although a recommendation of the task force, the Title I site visit activity started well before completion of the final report. The visits were initiated in response to charges in the NAACP Legal Defense and Educational Fund study, "An Even Chance," that where Indian children attend school Title I compensatory education funds are often spent in ways which do not meet the special needs of Indian children.

From the results of the completed site visits the Office of Education will be able to determine the nature and extent of any misuse of Title I funds for Indian children and take the appropriate corrective measures. In addition, professional personnel working with the Impact Aid program, authorized by Public Law 874, 81st Congress, another program criticized by "An Even Chance," will be alert for any form of unlawful action in this program and will report any violations to the Office of Education in Washington and to the appropriate Regional Commissioner.

It is estimated that 38 percent of the Indian population resides in urban areas. Servicing the educational needs of urban Indian children is particularly difficult because our data base has not kept up with precise locations and circumstances of urban Indians.

The task force has recommended that research be conducted on the educational needs of urban Indians. In addition, the Office of Education will work with urban school districts and the existing urban Indian centers to provide technical assistance in support of improved educational services for urban Indian children.

As you know, we are presently attempting within the office to be more responsive to local educational needs through a pilot educational renewal process. This process will enlist a cooperative Federal-State-local effort to assist selected sites in a comprehensive program of educational reform by responding to the needs and priorities articulated by the people themselves through the most effective package of program resources we can cooperatively produce. In fiscal year 1973, we will have 20-30 of these sites as an initial pilot effort, and are now working with BA to identify Indian renewal sites for participation in this initial effort.

I firmly believe this effort to be most significant for several reasons. First, the major thrust and objectives of the renewal programs will be determined by the community involved—in this case, the Indians. The determination of what kinds of educational activity are to take place will be made by the Indians themselves. We will then work to meet those needs through a cooperative effort with the States and BIA.

Another important element of the renewal process is the actual movement toward a more comprehensive and less fragmented administration of our programs. I firmly believe that we now have the commitment, the resources, and the authority we need to bring better services to the Indian people.

Finally, the renewal concept in urban areas is especially well designed for Indians, who are often scattered throughout the school system in relatively small numbers. The monitoring system will make sure that Federal education resources are applied to the special needs of the urban Indian children.

Mr. Chairman, I will now turn to our specific comments on those provisions of S. 2724 which relate to the Office of Education. I think that you and Members of this committee should be congratulated for your sincere and long-standing interest in the education of Indian childen and adults. I think that the broad concerns for and commitment to Indian education expressed by President Nixon are consistent with your work as reflected in the purposes of S. 2724. However, we are convinced that in many cases the specific provisions of S. 2724 do not represent the most effective alternatives for accomplishing our mutual goal of providing improved education for Indian children and adults. Accordingly, we recommend against enactment of this bill.

Title I of the bill would establish a National Board of Regents for Indian education within the Department of the Interior to assume responsibility for the operation and control of the Federal Indian education programs. The Board of Regents would constitute yet another centralized bureaucracy in Washington with ultimate authority over Indian education. We think that the next transfer of authority should come not from one Washington bureaucracy to another, but from the control of the existing agencies to the control of the local Indian communities as provided by the administration's proposal, S. 1573.

The proposed Board pertains primarily to the Department of the Interior. However, the language in section 107(f) regarding the duties of the Board is disturbingly vague in its intent. We are concerned about serious planning and administrative problems if the authorization in this subsection includes all, or any portion of, any programs administered by the Department of Health, Education, and Welfare which relates to Indians.

Subsection (g) of section 107 specifies that the Board of Regents would serve as an advisory committee to the Secretary of Health, Education and Welfare. As indicated earlier, the Office of Education welcomes and needs the counsel of the Indian people. In this instance the Board would serve only to duplicate the advisory role we hope will be assumed by the Education Subcommittee of the National Council on Indian Opportunity.

Orderly reception and consideration of information and recommendations can best be achieved by limiting somewhat the number of formal channels for transmittal of such information and advice.

Title II of S. 2724 would authorize a program of assistance to local educational agencies to develop and carry out elementary and secondary programs to meet the special education needs of public school Indian children. This title duplicates authority which already exists under provisions of the Johnson-O'Malley Act. In addition, Title I funds are already going to these Indian children from low income families for similar purposes. Another administrative mechanism is not needed to do the same job.

Other provisions of S. 2724 would authorize program activities already permitted under existing law and would conflict with the administration's attempts to streamline the narrow categorical authorities in Office of Education grant programs. These include: the innovation projects and supplemental services provisions (Title III); the adult education authorization (Title IV); and the amendment to Title V of the Higher Education Act for teacher training. Under Title V in fiscal year 1972, for example, we estimate an expenditure of over $5 million for Indian projects.

We strongly oppose the creation by statute of a bureau-level Office of Indian Education within the Office of Education. At present the entire $1.5 billion for Compensatory Education program, for example, is administered by a single division within the Office of Education. The $592 million for the Impact Aid program is also administered by a division.

This structure enables us to achieve comprehensive planning and flexibility. The Office of Education should have the latitude to create the appropriate structure to deal with particular needs of Indian programs and resources. We believe the administrative arrangement we are undertaking will better serve the desired purpose of focusing special attention on Indian education needs.

We also oppose the provision of S. 2724 which would create a deputy commissioner to head the proposed bureau. Under current Office of Education administrative policies, deputy commissioners are responsible for the administrative equivalent of more than one bureau. An associate commissioner is designated to administer each individual bureau The placement of a deputy commissioner at the head of a bureau would unnecessarily undermine the management structure in the Office of Education.

In sum we believe that the management steps that I described earlier in this statement are more consistent with the Office of Education's proper role in helping to fulfill the special Federal relationship with the Indian people than are the provisions of S. 2724.

Mr. Chairman, many areas of this bill do not have a primary impact on the Office of Education. Therefore, we defer further comment on S. 2724 to the Department of the Interior. I would again like to commend the Chairman and Members of the committee for their work in the area of Indian education, and the genuine concern that you obviously have for Indian children. I think we all share the goals of insuring quality education for the Indian people. Perhaps the mutual dedication to this task will be of assistance in working out our differences concerning the best specific approach to Indian education.

Senator BURDICK. Thank you very much for your contribution.

As I interpret your testimony, we seem to be in agreement on objectives.

Dr. DAVIES. Yes.

Senator BURDICK. But you believe the present structure and present authority are adequate to take care of those objectives?

Dr. DAVIES. Those fully developed structures that come out of work——

Senator BURDICK. What I am saying is you contend that the legislative authority is there now?

Dr. DAVIES. Yes, sir.

Senator BURDICK. Actually you need no further legislation?

Dr. DAVIES. That is correct.

Senator BURDICK. That is some good news at 4:30 this afternoon. The staff would like to complete the cross-examination with a series of written questions. If you would be good enough to answer them at an early date?

Dr. DAVIES. We will be delighted.

(The questions and answers referred to are in appendix A.)

Senator BURDICK. The testimony offered by the American Federation of Teachers by Carl J. Megel and the testimony of Donald E. Morrison, National Education Association, will be made a part of the record.

(The statements referred to follow:)

STATEMENT OF CARL J. MEGEL, AMERICAN FEDERATION OF TEACHERS, AFL-CIO

Mr. Chairman and Members of the Committee: My name is Carl J. Megel. I am the Legislative Director of the American Federation of Teachers, a national organization affiliated with the AFL-CIO and consisting of more than 250,000 classroom teachers.

I am privileged to appear before this Committee on behalf of the American Federation of Teachers in support of S. 2724 known as the Comprehensive Indian Education Act.

My testimony in support of S. 2724 is supported by the official representatives of AFT Local #1482, the Albuquerque Indian School Federation of Teachers.

The Comprehensive Indian Education Act in our opinion has many provisions which are commendable and its enactment is long overdue. We agree that there is need for new leadership in the field of Indian education. However, we respectfully urge that the leadership be: (A) professionally qualified (B) innovative and (C) responsive to the educational needs of Indian children and the desires of the Indian communities.

The Indian population in the United States has increased from 250,000 in 1900 to nearly 700,000 today and the school population has increased in similar ratio. Yet, expenditures for education of Indian boys and girls have been sadly neglected.

You will note that in a-2 of the Congressional Findings, paragraph 3, that the average level of educational attainment among young American Indian students is only 8.4 years as compared to the national average of 10.6 years.

These comparisons secured from testing scores are low because the Indian boys and girls in most cases come from homes in which the English language is not spoken. Many Indian students do speak English or Spanish in addition to their native tribal tongue but they are unable to read or comprehend written or printed English.

Accordingly, greater emphasis upon reading and reading comprehension are essential parts of a program to attain educational excellence. The enactment of S. 2724 will stimulate efforts in this direction.

The bill provides for the establishment of a Board of Regents to consist of 11 members to be appointed by the President of the United States. We strongly urge that members of the Board of Regents be highly qualified persons familiar with the problems of Indian education.

From an educational point of view, we are of the sincere opinion that teachers working directly with Indian students are the better qualified for appointment to the Board of Regents. We strongly urge hat two or three teachers be selected to sit on the 11 member Board of Regents. The Board of Regents will be responsible for an extensive program if they establish goals and objectives for a national Indian education program and expect to have these objectives achieved within the next several years.

Paragraph (i) on local Indian school boards, we consider to be an excellent provision.

On the other hand, Sec. 111 and Sec. 112 could be combined, or rewritten, so as to eliminate one or the other.

Sec. 532 establishing the duties of the United States Commissioner of Education is theoretically good. However, it is our opinion that many seminars, workshops, and conferences sponsored by the Bureau of Indian Affairs in the past have not been satisfactorily rewarding.

We strongly recommend that seminars and workshops be continued in the future. But, we strongly urge that they are conducted by qualified Indian educators who have a thorough knowledge of Indian culture and Indian needs, and who can make comprehensive suggestions for improved educational advancement for Indian boys and girls.

We are fully in accord with the provisions of the bill which qualifies Indian education under the various titles of the Elementary Secondary Educational Act. In addition, we strongly recommend that an ungraded program of elementary education beginning at the kindergarten level be established.

Our Indian youngsters are capable of attaining the same educational stature as those of any other American culture if we provide motivation and educational resources for them. It is quite evident that the Indian schools are not equipped to provide opportunities of this nature at the present time.

In conclusion, Mr. Chairman, we feel that S. 2724 is urgently needed. We are pleased to lend our support to secure its enactment. It is our sincere hope that the avenues and means will be provided so that our teachers may be able to help Indian youngsters become self-sufficient American citizens and at the same time retain their Indian culture. We extend our thanks to the Chairman and the Committee for the opportunity to present our points of view.

STATEMENT OF DONALD E. MORRISON, PRESIDENT, THE NATIONAL EDUCATION ASSOCIATION

Mr. Chairman and Members of the Committee: I am Donald E. Morrison, President of the National Education Association. The NEA has a membership of 1.1 million teachers in every state in the union and in Department of Defense schools around the world. We also include teachers who are members of our affiliate, the National Council of Bureau of Indian Affairs Educators, composed of teachers employed by the Bureau of Indian Affairs in the federal schools for Indian children.

At the 1971 Representative Assembly in July, 1971, the following resolution was adopted as a policy of the NEA:

71.15 American Indian Education

The National Education Association recognizes that the complexity and diversity of needs of American Indian children require the direct involvement of Indian parents, tribal leaders and other Indian groups in developing adequate and equal educational programs which preserve the rich heritage of Indian culture.

The Association directs that programs be developed which provide for:

(*a*) Involvement of Indian parents and communities with the public schools in developing programs for the improvement of the education of Indian children.

(*b*) Indian control of schools attended solely by Indian children and participation in the governance of schools attended by Indian students.

(*c*) Ethnic studies in colleges of teacher education.

(*d*) In-service education dealing with cultural pluralism, the teaching of American Indian heritage and culture.

(*e*) Assistance to local and state associations in meeting the educational needs of Indian students.

(*f*) Substantial participation by Indians in NEA conferences and leadership training programs.

(*g*) Coordination with existing Indian organizations and concerned agencies.

(*h*) Promotion of teaching as a career among Indian youth.

(*i*) Higher education opportunities for all Indian students.

The association recommends subsidization or free tuition for Indian students in state colleges and universities, extension of scholarships in graduate as well as undergraduate education, and Indian involvement in development multicultural learning centers at higher education institutions.

Thus it is clear that the education of Indian children, youth, and adults is one of NEA's major concerns.

However, as I stated to the Senate Subcommittee on Education in hearings last year, the NEA does not support the legislation before the Committee today unless its final form is acceptable to the majority of Indian people. We believe that the time is overdue for the Indian people to make decisions governing their own affairs. Education is, of course, one of the major areas over which the Indian people should have control. With that understanding, I shall comment briefly on the four titles of the bill S. 2724.

Title I establishes a National Board of Regents for Indian Education in the Department of Interior. We recognize that this is somewhat contrary to NEA's position in support of a Cabinet Department of Education to include all existing educational functions of the federal government. However, we are aware that the Indian people wish to retain their relationships with the Department of Interior on all matters dealing with Indians. We respect their wishes and agree from their point of view that this makes sense. We also recognize that the present structure of the BIA for Indian education has not worked, despite the best efforts of BIA personnel in Washington. We believe the problem lies in the excessive control of Indian education by the BIA Area Directors, rather than by the Indian people. In general we endorse—if the Indian people do—the intent of Title I of S. 2724 to give maximum control of federal Indian education programs to the Indian people at the local as well as the federal level.

We are concerned over the future of the teachers currently employed in BIA schools, many of whom are our members. This bill provides that "all personnel, assets, liabilities (etc.)" of, presumably, the BIA education function, are to be transferred to the National Board. What will happen to these teachers if the local boards created by the Board of Regents decide they do not want them? We believe that the illusion of local control will not satisfy the local Indian school boards. They will want to hire their own teachers, just as other local boards do. Indeed, they should have this right if their control is to actual. We suggest the bill provide that presently employed BIA teachers, if they are not employed by the local Indian school boards, must be guaranteed federal employment for which they are professionally qualified, be given the option of retraining at federal expense, including maintenance and full salary while in training for other federal employment of equal grade to that now held and guaranteed no loss of Civil Service retirement and other fringe benefits if they leave the federal service. The same protection should be provided to other personnel in BIA schools such as dormitory suprvisors, administrative personnel, and paraprofessionals. A specific authorization for this program should be included in the bill.

Title II of S. 2724 is very similar to S. 2482 which was passed by the Senate, after amendments by this Committee, and is now part of the education bill currently under consideration by the Senate. We believe that this legislation should be part of this Comprehensive Indian Education Act rather than attached to the Higher Education Act. We also note that Title II, unlike S. 2882, is not proposed as an amendment to Public Law 874, the impact aid act. We believe this is strategically sound. Public Law 874 is not a compensatory education program. Its purpose is rather to aid school districts which lose tax base and gain numbers of children as a result of federal impact. The race or needs of the children are properly not a concern of Public Law 874. We are aware of the problems impact aid has had in the last three administrations and in the Congress. We do not believe the Indians need that kind of trouble.

We supported S. 2482 as approved by the Senate Interior Committee and here appearing as Title II of S. 2724 and we still do, with the provision I have just cited relative to not amending Public Law 874, but rather establishing a new program in the U.S. Office of Education specifically related to the problems of Indians in the public schools.

We commend the sponsors of S. 2724 for including Title III in this bill. It is essential that a program of active recruitment of Indian people into all phases of the education profession must be carried on if Indian education of the type the Indian people want is to be achieved. This bill is an improvement over S. 2482 since it provides for assistance to persons, preferably Indians, to prepare to become not only teachers and teacher aids but also administrators and supervisors. It is essential that Indian people be qualified to take the leadership role in education of Indian students at all levels.

Title IV of S. 2724 will provide desperately needed federal funds for public school construction on or near Indian reservations. Indian-impacted public schools have not received funds from P.L. 815 for several years because funds provided under P.L. 815 are woefully inadequate. We believe that this Title, by amending Johnson-O'Malley to provide a five-year program for construction of reservation area schools, is a practical solution. Since Johnson-O'Malley funds will be under the direction of the Board of Regents for Indian Education, the construction program will also be under the Board's control. The provision in this title for additional funds as necessary for schools currently operated by BIA and which in the future may be operated by local Indian communities is also necessary. Existing facilities may be located in sites the Indian people do not choose to retain. The provision of funds for new school facilities for local Indian-controlled schools is therefore a wise and forward looking proposal as part of a Comprehensive Indian Education Act.

We commend the sponsors of this bill for their concern for our first Americans. We hope the majority of Indian people will support this legislation so that the NEA may assist them in securing its enactment. We are aware of the diversity of culture and desires among the many Indian tribes. It is a common fallacy for non-Indians to stereotype Indians just as too often we stereotype other racial and nationality groups. This is wrong. We believe a program of Indian education can be developed by the Indian people and this committee that will place the maximum self determination at a level closest to the various Indian interests—whether tribal or organizational. NEA stands ready to assist this effort in any way the Committee and the Indian people deem appropriate.

Senator **Burdick**. I appreciate your spending the whole day here. You understand, I was here too.

The meeting will be adjourned until the 6th of March, 1972.

(Whereupon, at 4:35 p.m., the hearing was adjourned, to reconvene on March 6, 1972, at 10 a.m.)

COMPREHENSIVE INDIAN EDUCATION ACT

MONDAY, MARCH 6, 1972

U. S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The committee met, pursuant to notice, at 10 a.m., in room 3110, New Senate Office Building, the Honorable Lee Metcalf, presiding.

Present: Senators Metcalf (presiding) and Fannin.

Also present: Forrest Gerard, professional staff member; and Thomas Nelson, Jr., assistant minority counsel.

Senator METCALF. This subcommittee will come to order.

This is a continuation of the open hearing on S. 2724, the Comprehensive Indian Education bill.

On March 1 witnesses from the Departments of the Interior and Health, Education and Welfare testified on the bill, as well as representatives from the National Education Association, the American Federation of Teachers and the State Department of Public Instruction of Arizona.

The purpose of the hearings today and tomorrow is to take testimony from the Indian people and their organizations. We look forward to your views and recommendations to assist the committee in its further deliberations on this important measure.

The National Congress of American Indians will be the first of several important Indian organizations to testify during these hearings.

Senator FANNIN. Mr. Chairman, these hearings begin what I hope will be a rewarding venture. The Indian people have been more than patient regarding the enactment of a quality Indian education program. The studies, investigations, field trips and countless hearings are behind us. What is required of us now is the passage of an education program which will help the Indian people to realize:

Indian self-determination;
Increased financial support;
Better facilities; and
Significant participation in Federal educational programs.

What we must remember, during these hearings, and what is essential in our consideration of this legislation, is that this is an Indian education program and, therefore, must be framed with respect to Indian needs and desires. This bill, then, should be developed not with respect to what we think ought to constitute an Indian education program, but what arrangements will best assure Indian determination of that education program.

In closing, I want to make it clear that this legislation we are considering here should be considered not as a finished product but as a beginning point; a point for discussion, and that the final product must bear the substantial imprint of the Indians themselves if it is to be, in fact, the Comprehensive Indian Education Act of 1971.

Senator **Metcalf**. According to my schedule, the first to testify is the National Congress of American Indians, Mr. Leo Vocu, Executive Director, and Mr. Franklin Ducheneaux, Legislative Consultant. We are delighted to have you before the committee again. Mr. Vocu is not with you?

STATEMENT OF FRANKLIN DUCHENEAUX, LEGISLATIVE CONSULTANT, NATIONAL CONGRESS OF AMERICAN INDIANS

Mr. **Ducheneaux**. Yes. He asked me to express his regrets. We have a crisis out in Nebraska that he is involved in right now following the death of a member of his Tribe, and he had to attend that.

Senator **Metcalf**. You may proceed.

Mr. **Ducheneaux**. Mr. Chairman, my name is Franklin Ducheneaux, Legislative Consultant for the National Congress of American Indians. I express the appreciation of NCAI for this opportunity to present our position on this most important bill.

We will keep our testimony brief, and for the most part, devoted to our proposed amendments. We will not go over the problems, the deficiencies, the statistics, and the needs of Indian education. NCAI presented testimony before this committee on two separate occasions of this Congress, once on S. 1401 and once on S. 2482. In addition, NCAI testified before the Senate Labor and Public Welfare Committee on the original Title IV of the original S. 659. On these occasions, we went into detail with respect to defects in the current administration of Indian education. We refer the committee to those statements. Also, NCAI can cite, with approval the press release by Senator Jackson of March 1, 1972 on the conduct of Indian education.

At the outset, Mr. Chairman, let me say that NCAI can support enactment of this bill with certain curative amendments. Our position here today will not receive uniform acceptance by all Indian people or Indian tribes. In fact, some of our member Tribes may depart from us on this position. But our position does represent what the NCAI, the foremost national voice of Indian people, believes to be the general Indian opinion and in the best interest of all Indians.

Title I of S. 2724 represents the most controversial part of the bill and we will direct our attention to it last, as we have some major amendments to propose to that title. We will take the others up in order.

Title II is, in essense and in all major respects, identical to S. 2482 which has passed the Senate in a version acceptable to NCAI. It is also identical to Title IV of S. 659, soon to undergo conference committee action. We have no further comment on Title II and support its enactment either as Title II of this bill, as S. 2482, or as Title IV of S. 659.

Title III amends Part D of Title V of the Higher Education Act of 1965 by authorizing the Commissioner of Education to provide for special training of persons involved in the education of Indian children, whether in public, private, or Federal schools. This would be accomplished through grants or contracts with various organizations equipped to provide such training. Many teachers and other education personnel now involved in teaching Indian children are woefully ignorant of Indian problems, culture, and values. We support enactment of this title without amendment.

Title IV amends the Johnson-O'Malley Act in order to permit Federal aid to construction of public school facilities in school districts providing education to Indian children residing on Indian reservations. This was a proposal originally advanced by Senator Anderson and introduced by him in this Congress as S. J. Res. 21. We have corresponded with Senator Anderson on suggested amendments to S. J. Res. 21 and Title IV seems to be in general accord with our suggested amendments.

We propose two technical amendments to Title IV, Our amendments refer to the December 22, 1971, Committee Print.

Strike all lines 14, 15 and 16 on page 37 and reword as follows:

> Sec. 401. The Act of April 16, 1934 (48 Stat. 596) as amended, the Johnson-O'Malley Act, is amended by redesignating Section 4 as Section 7 and by adding the following new sections:

This amendment recognizes that one, the Johnson-O'Malley Act is now known as the "Indian Education Act of 1934", that the Act was amended by the Act of June 4, 1936—49 Stat. 1458—, and that there will have to be a redesignation of section numbers in order for the proposed amendment to conform.

On line 19 of page 39, insert the phrase "sections of 4 and 5" between the words "of" and "this". We understand that Public Law 74–403 was meant to apply only to the new sections added and not to the existing Johnson-O'Malley authorities.

We support enactment of Title IV.

Title V sets our general provisions and definitions for the act. We do have one question. Section 503 provides that no funds under the act may be used for sectarian or religious purposes. We wonder how this might affect the provisions of 25 U.S.C. 278a. This section also prohibits the Secretary from using Federal funds appropriated for the education of Indian children for education of such children in elementary and secondary sectarian schools. However, it does permit scholarships for Indian children attending sectarian institutions of higher learning, including vocational and technical schools. This exception was specifically provided for in Public Law 90-280—Section 2 of the Act of March 30, 1968, 82 Stat. 71. If Section 503 changes this exception, we feel Section 503 should be amended.

Title I of S. 2724 proposes to reform the Federal Government's responsibility for Indian education, i.e., the BIA system, and proposes to do so by removing Indian education from BIA. And therein lies our problem.

On April 29, 1971, NCAI testified before the Senate Labor and Public Welfare Committee on Title IV of S. 659, then known as Amendment No. 6. NCAI opposed enactment of Title IV of S. 659 primarily because it would have fragmented BIA's responsibility by removing Indian education from BIA to a National Board of Indian Education independent of the BIA and the Department of the Interior.

Later in the year, we appeared before this committee on S. 1401, Senator Jackson's bill. That bill would have transferred Indian education from BIA and the Department to an independent National Board of Regents for Indian Education. We opposed it on the same grounds.

We will not go into our reasons again. Whether they are well or ill-founded, they are firmly lodged in the minds of the Indian people. If congressional reform of the Federal responsibility for Indian education is not to be rammed down the throats of the Indian people, then either an extensive educational campaign must be mounted or the legislation must be tailored to meet Indian fears concerning fragmentation of BIA's responsibility.

We think that both approaches can be made with respect to Title I of S. 2724. Already, the National Board of Regents for Indian Education concept has been changed in S. 2724 from S. 1401. We feel that with certain amendments coupled with a good information campaign, Indian support can be generated for S. 2724.

Then there is another lengthy amendment, Section 103(b). That provides that it shall be "the intent of Congress" that the President will appoint a majority of Indians to the proposed Board of Regents. I don't know if the Congress can require the President to appoint a Board with a majority being Indians, but, if it can, the bill should surely require it if we are to get Indian support. The bill should be amended in this regard.

Section 107 should be renumbered as section 106 and amended as follows:

On page 9, in line 1, in subsection (c) delete the words "Department of the Interior", and insert in lieu thereof, the words "Bureau of Indian Affairs". On page 9, in lines 10 and 11 of subsection (d), delete the words "Department of the Interior", and insert in lieu thereof the words "Bureau of Indian Affairs."

The whole purpose of Title I is to retain Indian education within the Department of the Interior, but independent or semi-independent of both the Bureau and Department in order to allay Indian fears, and yet accomplish the desired object. The amendments would insure this.

After the semicolon in line 13, page 10, add the following proviso:

> Provided, however, that, in preparing and presenting the budget for Indian education, the Board of Regents shall be bound by the provisions of Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 476);

Section 16 of the IRA requires the Secretary to advise Indian tribes, prior to submission of the budget to the Bureau of the Budget or Congress, of appropriation estimates for the benefit of such tribes. The BIA is just beginning to do so and the Board should be required to do so also.

On page 10, strike everything on lines 14, 15 and 16, and the word "program", on line 17, and add the following:

Maybe I should read this: That Section reads:

> The Board of Regents is authorized (1) to devise and implement procedures for establishing new local Indian school boards and for the election of members thereto which shall assume control and operation of federally supported education programs. Such procedures shall be devised in consultation with and subject to the approval by appropriate resolution or action of the governing body of the tribes or tribes whose children are being served by such school; Provided, however, that such school boards, once established, shall not be dissolved without the mutual consent of both the Board of Regents and such tribe or tribes.

This amendment attempts to guarantee local control and involvement in the creation of school boards by requiring consent and involvement of the tribal council or similar body in the procedures for establishing such boards. Once the tribe has evidenced its approval, the school board could or would be independent of the tribal council with the exception that it could not be dissolved or altered without the consent of the council.

Strike all of section 102 and add a new section 107 as follows:

> "Sec. 107. (a) The President shall appoint, upon the recommendations of the Board of Regents, and with the advice and consent of the Senate, a Superintendent of Indian Education who shall be compensated at the rate provided for in Level IV of the Executive Schedule. Section 10 of the Act of March 2, 1889 (25 Stat. 980, 1003; 25 U.S.C. 272, 272(a)) is hereby repealed.
>
> (b) Pursuant to rules and regulations adopted by the Board of Regents, the Superintendent is authorized to—
>
> (i) appoint, prescribe the duties of, supervise, and fix the compensation of such additional staff personnel as the Board of Regents deems necessary, subject to the provisions of Section 12 of the Act of June 18, 1934 (48 Stat. 984, 986; 25 U.S.C. 472);
>
> (ii) compensate all employees at the schedule prescribed in chapter 53, Title 5, United States Code;
>
> (iii) procure temporary and intermittent services of individuals and consultants to the same extent as is authorized by Section 3109, Title 5, United States Code, but at a rate not to exceed $125 a day for individuals;
>
> (iv) and to implement the policies and directives of the Board of Regents.

The next amendment is very lengthy.

Senator **Metcalf**. May I interrupt for a moment. I think the concept that was put in there was to permit a democratic election of school boards and to try to get some designation of school districts so that there would be opportunity for Indian people to participate in such an election and be elected to a school board. I can't think of the specific example for the Belmont Reservation right now.

The public school district which is the school district in the State of Montana is composed entirely of Indian representatives who were elected in the ordinary democratic system that we have in Montana. Now, it would seem to me to be an invasion of State law and probably an invasion of our democratic concept to say once those people were elected then they couldn't be defeated in a subsequent election without consent of the tribe or the Board of Regents.

Maybe the electorate that elected them would like to get rid of them when the tribe would not.

Mr. **Ducheneaux**. Senator, I agree with you, but I think the section, that is section 106, of the bill——

Senator **Metcalf**. 106 (I)?

Mr. DUCHENEAUX. Yes, 106 (I). Is providing for creation of school boards for the Federal school system. And I agree with you about the other way, but this way, what I don't like about the section is that it provides an opportunity for the Board of Regents for the BIA, for that matter, to continue a reservation and set up a school board completely independent of what the tribal council wants.

Senator METCALF. I think I see. The differentiation is that when it is part of the public school system, when we have elections, but if it is not part of the public school system then the BIA cannot come in and dismiss the school board. I understand.

Mr. DUCHENEAUX. The next amendment that I have is to Section 106 and I will just redesignate it section 107. Section 106 as currently written provides that the Chairman of the Board of Regents shall appoint an executive director who shall evidently be the chief administrative officer of the Board of Regents, I don't agree with that.

I think rather than that the chief administrator, the full-time day-to-day administrator of the Indian Educational Program should be a presidential appointee under the Board of Regents with the same prestige and power and salaries and what have you as the Commissioner of Indian Affairs.

What this amendment would seek to do would provide for the appointment by the President, under the recommendation of the Board of Regents and with the advice of the Senate, of a Superintendent of Education and it would also repeal certain sections which currently provide for a secretary of education and the rest of the amendment would make the superintendent or chief administator responsible for the day to day implementation of the policies and directives of the Board of Regents.

I will read the explanation: If the Board of Regents is to be accepted by Indians, it must have a chief administrator who is on a par with the Commissioner of Indian Affairs with respect to salary, power and prestige. He must have the full-time, day-to-day authority and responsibility for administration, under the general direction and guidance of the Board of Regents, of Indian Education. We have taken the authority of an 1889 Act of Congress which has not been used since 1910 for a Superintendent of Indian Schools and revised it to fit the Board of Regents concept of Title I.

If these major amendments to Title I are adopted, the National Congress of American Indians could support S. 2724.

This completes our statement, Mr. Chairman, and I am available for such questions as the committee may have. Thank you.

Senator METCALF. Thank you very much for presenting your statement on behalf of the National Congress of American Indians. It shows a wise consideration of the bill which has been probably too long in formation. We have tried to piecemeal many of these Indian problems and Indian education programs, sometimes that piecemealing has been necessary because of specifically isolated situations. I appreciate your suggestions for specific amendments and some of the specific amendments can be agreed to right away, excepting the ones in Title I, which are the ones that are most important and most significant as far ~~as~~ Indians and Indian Education is concerned.

It would seem to me that usually we designate a department rather than a bureau of a department. And I think that that is the reason that we said the Secretary of the Interior rather than the Bureau of Indian Affairs.

I, personally, would like to terminate the Bureau of Indian Affairs. I am not for termination, too, but I have been conservatively for termination of the control of Indians by the BIA. We should have in the Department of the Interior an agency there that the Indians are accustomed to dealing with, but Indians should still have control over the administration of Indian affairs.

My counsel has suggested a question that has always been in my mind. You will recall we put through that change for Indian Health Service from the BIA to the Public Health Service, we put through the Impact Aid program in addition to the Johnson-O'Malley Act, and many other Indian reformations and Indian programs that have worked so well, in my opinion. We always run into Indian resistance in the status quo. How do we overcome that resistance in trying to do what would actually improve the status and condition of the Indian education or Indian health or Indian affairs?

Mr. **Ducheneaux**. Senator, I think first we have to re-look at some of the reasons why this resistance is offered to changes. I think, with some few major exceptions, the changes in Indian policies and Indian administrative machinery down through the years more often than not resulted—even though it was well intentioned and even though it was designed and put forward as a means of better Indian nations—more often then not we wound up with the Indian in a worse position. I can cite the gross example of this. The allotment act was designed to make civilized Indians out of the Indians, yet we wound up losing half our land. That is why Indians look with suspicion on major changes of this sort. I realize that public health was transferred and perhaps an argument can be made that Indian health has improved because of it and I know the health service cites statistics beginning with—

Senator **Metcalf**. Yes, I am not going to cite statistics. Maybe the statistics would work any way but we have got greater appropriations as far as Indian health is concerned and we have had more, in my opinion, more skill in technicians on the various reservations.

There is the movement to take the Indian Extension Service away from the BIA and turn it over to Agriculture. Now, that is only a contract now, but we get more skilled technicians from the Department of Agriculture than we do from BIA in Indian Forestry. I can think of many things where we have just a little clique of people in the BIA and you could have more expanded and broader activity in services than should be given both to the Indian and non-Indian alike.

And I can understand that sometimes there are areas where discrimination exists, but we would like to extend the more skilled services—the more skilled services in education, in scientific administration, in health—all of those to the Indians, instead of just having them over here at the BIA which sometimes doesn't get as much of an appropriation as a general appropriation for services that can be given to everybody.

Mr. DUCHENEAUX. I think the crux of the problem is the trust responsibility and the discrimination which goes hand in hand. The Bureau of Indian Affairs has been looked upon through the years as the trustee of Indian property and the Indians themselves. And if you look at it this way, when you begin fragmenting the responsibility and you begin fragmenting the trust responsibility too. I don't think the Indian people view the trustee responsibility as solely related to the land. It is related to education, and economic development of the water and trees, the whole order and spectrum of day-to-day life in our organization. In our opinion, this is given by this trust. If you begin to fragment the agency responsible for the administration of this trust we see the possibility of giving up the trust itself. Maybe it is not true, and maybe it won't happen, but this is the way we feel. I don't know how to convince you otherwise that there are other ways to do that.

Senator METCALF. This is not the way that many of us in the Congress feel. Nevertheless, we are aware of the suspicion that every time we try to change something that we feel would be better administratively or more money for the Indians or more opportunity for them to develop themselves, we find this resistance. "We are not getting along very well, but we are getting along better than we will under any change," is the attitude on the part of the rank and file Indian.

I think it is a problem which you and I, you as an Indian leader, and I as a member of Congress, will have to solve, on the part of one piece of legislation after another.

Thank you very much, Mr. Ducheneaux.

Mr. DUCHENEAUX. Thank you.

Senator METCALF. I am delighted to have the next panel of witnesses we are going to hear from, the National Tribal Chairmen's Association, Mr. William Youpee, President, Wendell Chino, Albuquerque Area Representative, Board of Directors, and Ed Cline, Aberdeen Area Representative, Board of Directors.

I put Mr. Gerard on the wrong reservation bill and I won't put you on one, since you are one of the leading Indian leaders from Montana. We welcome you again as the very eloquent leader for Indian rights before this committee.

STATEMENTS OF WILLIAM YOUPEE, PRESIDENT, WENDELL CHINO, ALBUQUERQUE AREA REPRESENTATIVE, ED CLINE, ABERDEEN AREA REPRESENTATIVE, OF THE NATIONAL TRIBAL CHAIRMEN'S ASSOCIATION, AND FRANK LAWRENCE, REPRESENTATIVE OF THE UNITED SIOUX TRIBES OF SOUTH DAKOTA DEVELOPMENT CORP.

Mr. CHINO. My name is Wendell Chino, a member of the Board of Directors of the National Tribal Chairmen's Association, and accompanying me are William Youpee, President of the Association and Frank Lawrence, Representative of the United Sioux Tribes of South Dakota Development Corporation.

The National Tribal Chairmen's Association, which represents the grassroots thinking of Indian people of Member Tribes living on reservations, has a deep concern for improving the educational opportunities of Indian children and adults. Therefore, we appreciate this opportunity to present our views on S. 2724, "The Comprehensive Indian Education Act of 1971."

In the field of Indian education there have been a number of significant developments in recent years. The Congress, the Federal agencies, and others have put together many reports, studies and evaluations of Indian education programs. Several Indian education bills have been introduced in this Congress. This administration has made an important shift in emphasis in national policy. Public support for Indian programs has moved decidely forward. More importantly, Indians across the country have come forth and have voiced their opinions and have shown their capability to manage their own affairs.

The time has now arrived for enactment of a comprehensive Indian education act. It is urgently needed and long overdue. We, the Indian leaders, believe that Congress must move now and get a comprehensive bill enacted.

It is our understanding that this bill, S. 2724, is a culmination of the efforts of Senators Jackson, Kennedy, Mondale and Montoya, and Representative Meeds, and others.

We think this effort is a positive effort and the general tone of S. 2724 obviously attempts to include the recommendations that have been made by the Indian people. We believe the staff members of this committee have done a commendable job in meeting a seemingly insurmountable task by preparing what appears to be the most comprehensive Indian education bill to date.

We now address ourselves to the provisions of S. 2724. The National Tribal Chairmen's Association recommends the establishment, under Title I, an "Office of Indian Education" headed by a commissioner of Indian education within the Bureau of Indian Affairs, in lieu of the proposed Board of Regents within the Department of the Interior.

Under Title I, the functions to be exercised by the Board of Regents then can be exercised by the Office of Indian Education in the Bureau of Indian Affairs, in cooperation with the people and leaders of the Indian communities. Thus, by involving Indian parents and Indian leaders at the local level, the concept of a National Board of Regents is unnecessary.

We are opposed to the concept of a National Board of Regents because the Indian people do not believe that you can monitor an education program for the people from Washington, D.C., due to our heritage, and our cultural and geographical diversity. Rather, the emphasis should be given to involve Indins at the local level. To implement local control, the Commissioner of Indian Affairs has turned over certain schools to Indian communities and this effort should be continued. All of the off-reservation boarding schools eventually should be turned over to the control of Tribes of the particular area where these schools are located. This is what the Indian people want to accomplish.

In other words, those tribes that have children in schools should be involved. These include the Santa Fe Art Institute, Albuquerque Indian School, Phoenix Indian School, Flandreau, Wahpeton, Chilocco and others.

We believe that all of the provisions of Title I can be enhanced by the Commissioner of Indian Education working with the Indian people.

We recommend to the committee that it give serious consideration for the adoption of section 9 of Senator Montoya's Indian Education Bill, S. 2416, for its inclusion in Title I. This section provides for an autonomous office of Indian education within the Bureau of Indian Affairs. This should be done so that the individual responsible for Indian education programs does not become enmeshed in the political structure, having to run all his proposals and decisions through the multilevels of the Bureau of Indian Affairs and the Department of The Interior. This is the direction we would like to see the committee move.

Any appointment to the position of Commissioner of Indian Education should definitely be made with direct consultation with the national Indian tribal leadership, including the National Tribal Chairmen's Association, and others.

We shall now consider Title II of S. 2724 as it applies to the public school provisions. Regarding our recommendation as to replacement of the Board of Regent concept with a Commissioner of Indian Education, to remain in the Bureau of Indian Affairs, we believe that the Commissioner of Indian Education should be vested with the authority to control and administer the funds and programs under this Title, if this bill is, in fact, to be a comprehensive Indian education act.

Wherever in this bill reference is made to the Board of Regents, whatever Title, that language be deleted and the funcations intended for the Board of Regents be made commensurate with the concept we are supporting, and the Commissioner of Indian Education be responsible for these particular functions.

For example, the reference to Title I, section 107 (g), where the function is by the Board of Regents to be advisory to the Secretary of HEW, that the proposed Commissioner of Indian Education have the responsibility to establish an advisory board made up of members of the Indian community together with him to fulfill this particular function.

We support the provisions of Title II of S. 2724, wherein grants and contracting are allowed to the tribes and tribal organizations.

As to Title II, with regard to local control and involvement of local community input into the public school boards, we believe that there are sufficient provisions in the Title as they are proposed.

We basically agree with the provisions of Title III. However, the new section 532(a), as included in Title III, section 301 of this bill, should be amended to provide that the authority be vested in the Commissioner of Indian Education within the Department of the Interior as has been recommended in our testimony.

One of the greatest weaknesses of many education bills that we have seen is that they fail to provide additional or practical exposure for Indian students who are in higher education. Therefore, a further amendment should be added in section 532(a). There is a need to provide scholarships and grants to Indian students who are interested in law, medicine, teaching, engineering, public administration, and other professions, in order that they may gain practical work experience in these fields during the summer. As it is now, they are required to compete for summer jobs. Summer jobs are not plentiful on the reservations and jobs are not available to them in the non-Indian communities.

There are several advantages to our recommendation: One, it will give them experience and exposure in their fields and a taste of real life in their specific vocations; two, it will provide them with spending money, which they can use; three, it will give them a chance to know whether they really want to pursue their field of study; and four, it will provide these individuals the opportunity to move up the career ladder.

Senator METCALF. Would you mind if I interrupt you, Mr. Chino?

Mr. CHINO. Yes, sir?

Senator METCALF. A few years ago Senator Douglas was holding in the Supreme Court Building some hearings on one of the first of the various urban renewal acts, and Senator Mansfield and I were in the House then, and I went over and suggested that by all the criteria, unemployment and high death rate and low income, and all the things they had as a criteria to move into an urban area, the Indian reservations and the Indian people were the worse off of any people in the United States, worse than any minority group. Since then we have been able to put into every program that I have been able to know about and remember a provision that the Indian tribe should be considered a council or municipal corporation or agency, an entity to participate in all of these various programs, among them the higher education act. And there are opportunities for Indian tribes to participate and get grants just the same as States. But every time that you people get an Indian claim judgment or an award for your tribe, you dissipate it on the basis of 100 percent per capita payments so you don't have any money to match the higher education act or to participate in that act for scholarship provisions or higher education provisions or things of that sort.

Now, it would seem to me that a better way would be to say, well, now that we have the award and an Indian claim judgment is going into the tribal funds, income from that tribal fund is going to be invested for a scholarship program to give our boys and girls in the Indian tribes a scholarship instead of putting it out on a 100 percent per capita payment. Don't you think that would work out?

Mr. CHINO. This is true, but I don't think that all of the tribal leaders are guilty of dissipating their tribal funds.

Senator METCALF. I am not saying that you are guilty of dissipating tribal funds. You don't have anything to do with it. I have a high regard for the Tribal Chairmen and I would wish that more of these claims funds moneys would be put into tribal funds.

What I am talking about are the latest large sums of money that the Fort Peck Tribe, or the Fort Belnap Tribe, or the Flathead Tribe, to name some of my own tribes, are going to get. These are the Indian Claims judgments of several million dollars, but we have

90 percent per capita distribution and only 10 percent for law and order and scholarships and related welfare. All of those other tribal activities to me are so important and so significant and so much a part of the Indian program today. And certainly, I am not criticizing you as a Tribal Chairman. What I am saying is that something has to be done to give the tribe and the Tribal Chairmen and the tribal governing body more money and more authority and more opportunity to provide for these special welfare services.

Mr. CHINO. This is true, I agree. However, the reason for making this recommendation is that if you are going to spend money on projects and all those other programs, perhaps they may be found on the shelf of a university or even Congress. It appears that it stands to reason that these Indian students that are in universities, in college, would definitely benefit by scholarships and grants.

Senator METCALF. No question about it. Let me give you an example. One of the best things that has ever happened to the Indian in my opinion is the OEO. I think the OEO has done more than the BIA. And one of the great programs is the Upward Bound program whereby the Indians can contribute and participate and set up along with the Federal Government a program to give people, the Indian people, an opportunity to experience the kind of training that they will need to prepare themselves to go on to college.

Now, the Northern Cheyenne Indian Tribal Council, along with the Rocky Mountain College set up an Upward Bound program. We were never able to get an Indian boy or girl from Northern Cheyenne to complete even the first year of college. We set up this Upward Bound program a few years ago, and 15 young men and young women participated, and 13 of those 15 finished the freshman year of college as a result of that training. Where you have a little money, a little grant money to sponsor such a program it works.

Now tribal committees have to have that money in order to sponsor these programs.

I am just suggesting that in addition—I am not arguing with you about this proposition—I am saying that there already are ways for you to get some of this advanced college scholarship money if you will use your Indian Education funds to match some Federal grants that are already in existence, instead of putting it out for per capita payments.

Mr. CHINO. And I am sure some tribes are cognizant of this point that you are making.

In our study of Title IV of the bill, we are happy to see the committee's provision for the much needed construction monies. To insure the involvement and participation of Indian people of every Indian community throughout the country, we recommend another amendment to be added to Title IV of this bill, which would further amend the Johnson-O'Malley Act to allow the Secretary of the Interior to enter into contracts with the tribes or tribal organizations.

In reference to the Johnson-O'Malley Act itself, we recommend that all authorities now vested with the Commissioner of Indian Affairs be reinvested in our proposed Commissioner of Indian Education, in accordance with our desires for a truly comprehensive Indian education bill.

With respect to Title V, the National Tribal Chairmen's Association would like to see a more restrictive definition of the word "Indian" than presently used in Title V and therefore the National Tribal Chairmen's Association recommends that the definition of "Indian" be limited to the federally recognized tribes.

One final recommendation we wish to submit is that serious consideration should be given to the school curricula throughout the country because the school system today creates a self image of low esteem by the Indian students, resulting from, we believe, the use of textbooks that do not give due credit to the heritage and history of Indian tribes. It does not take into consideration the traditions, the values of Indian tribes, their music, and their art. Their tribal autonomy is not recognized. Therefore, there is a great need to see that along with local control a good many of the textbooks need to be changed to give due credit and recognition to Indian history, value and culture, and this, we feel, requires a great deal of funding.

In conclusion, we of the National Tribal Chairmen's Association do not feel emphasis should be given to structure and restructure of our Indian Education Office or what the office or officer is called. But more important is the redirection of the substantive aspects of education of Indian students. Let us not bog down by failure to pass an Indian Education Act just to wrangle over the eventual structure of the organization which is to implement the substantive program. Let us pass a comprehensive Indian Education Act that will make the Indian people and Indian tribes self-supporting and self-sustaining.

Thank you.

Senator METCALF. Thank you very much for a very worthwhile and persuasive statement and a statement that is going to be seriously looked at in considerations for this legislation.

I have a couple of questions but I am going to yield to my colleague, Senator Fannin.

Senator FANNIN. Thank you, Mr. Chairman. I regret that I was not here. We had an Executive Committee meeting of Finance and I had to be there for a while and I apologize for not having had the opportunity to hear the previous person who testified nor for hearing your complete statement, but I am very pleased with what you have said on page 7, in regard to the need for scholarships and grants to Indian students who are interested in law, medicine, teaching and engineering and so forth.

Do you feel that we should give incentives for these students that receive this training to return to the reservations?

Mr. CHINO. No, we are interested in the fact that rather than return to their home reservations to cut weeds, we feel that if they are in college and interested in some professional field then they should use that summer experience in an attorney's office or working for the State highway or whatever field that they are interested in and with assistance with those grants.

Senator FANNIN. Perhaps you didn't understand me. I am sure that you realize the importance of the need for Indian teachers, highway engineers, and others. We also need Indians to enter these professions and then apply their professional talent on behalf of Indians and Indian communities.

Mr. CHINO. Right.

Senator Fannin. My question to you is that this is a common occurrence in that the Western Interstate Compact on Higher Education program, and that they could give an incentive for the doctors to go into the rural communities. My question to you is, should not we have provisions if we are to have scholarships, under, perhaps, some pay-back program, whereby they will receive a special grant perhaps the removal of any obligations for a pay-back program if they move back to the Indian reservation and apply their professions?

Mr. CHINO. Yes, sir.

Senator FANNIN. I have traveled to the Phoenix Indian School where I would ask the youngsters in their class, and, of course, this is elementary and secondary, if they would desire to go into professions and I received very little response other than the girls that would like to go into the nursing profession. I feel that I have been talking with youngsters with talents and potential talents where would certainly warrant a program to give them encouragement, scholarships or whatever, with a special incentive for them to go back to the reservation, and I would hope that we would get support of a program of that nature.

In your opinion, how well do colleges and universities counsel Indian students?

Mr. CHINO. Pardon?

Senator FANNIN. In your opinion, how well do colleges and universities counsel Indian students?

Mr. CHINO. I think this varies from college to college, and I will——

Senator FANNIN. In New Mexico and Arizona, and I am very familiar with Arizona, I wonder how you feel, generally speaking, whether or not the counsel provided is essential or satisfactory?

Mr. LAWRENCE. Senator, in the colleges that do not have any Indian program or Indian studies programs, there is very little counseling of Indian students. Those colleges that have special services, programs, do apparently a fairly good job. But there is very little counseling in the colleges and also in the high schools to prepare these kids for college. These kids, you talked about an incentive program and a pay-back program. I disagree with this, simply because our youngsters going to college do not know their profession until they are in their second or third year of college.

If we had adequate counselors in our high school, then I would say the pay-back program would be beneficial. Until that time we are only hurting our people by asking them to pay back loans for something that they do not know they are getting into. The majority of our young students going on to college go on for teaching because this is the only thing that they have heard about. A doctor, lawyer, that is way beyond their comprehension because of the curricular in the schools, because of not being prepared properly for school. I think it is the fault of the school system in not providing adequate courses for these people, for these attending students.

Senator FANNIN. Thank you very much. And I know that we do have summer programs, and I think you have them in New Mexico, where they do encourage the youngsters, to finish high school. Isn't it true that the schools in New Mexico, the University of New Mexico and the Northern Arizona University and Arizona State College and the University of Arizona do have programs that are encouraging these youngsters to go into these professional programs?

Mr. **Lawrence.** Right.

Senator **Fannin.** I know that I have attended some of their classes and visited for several years, and I feel that we are making progress, not enough progress, I certainly grant you, and then, of course, we certainly do have programs, I know, that you are familiar with, Navajo Community College, and the progress that is being made there. I feel that is just one of the tribes that has gone forward, and we need them all to go forward, and we need a greater incentive for these young people, and I am certainly in agreement with what you are saying.

I am wondering, though, Mr. Chino, on your statement on page 8 when you are talking about advocating amending the Johnson-O'Malley Act to allow contracts with tribes or tribal organizations, have you any thought about what these arrangements might do to the financial structure of public schools that are on the reservation?

Mr. **Lawrence.** At the present time there are three States that are contracting with tribal organizations for the Johnson-O'Malley program. At the present time the State of South Dakota, which I am from, and I am the director of the Johnson-O'Malley program.

We have seen some real results from administering the Johnson-O'Malley program, by letting the school systems know that this is for beginning students and they must be spent so that our Indian children receive the benefits, and I believe by this statement that was made by Mr. Chino in his testimony, that it refers to more tribes; then the Secretary should contact more tribes and tribal organizations for the administration of the Johnson-O'Malley program.

Senator **Fannin.** Of course, I agree that we need to do more in regard to what can be done to encourage our young people to go forward with educational programs, and we need to increase the facilities on the reservation as well as off the reservations.

But I have observed the public schools and the BIA schools operating almost side by side. I think that we have a great duplication. What we want to do is to obtain the very finest educational program we can for our young Indian people and so when we start shifting away from a coordinated program, I think we emphasize the priorities that we should have in mind in trying to obtain or trying to present the best program possible.

I know that you realize that in some of the BIA schools, they have inadequate laboratory facilities and that in many instances there are problems that are not prevalent in the public schools. I think that they have gone forward quite well. But this is a very serious problem, and perhaps the most serious is the transportation problem, where they cannot have the transportation near the home and the student with counseling nearby, which they should have. We do have serious problems in this regard, and I am just afraid that we may, in our attempt to bring about changes not really accomplish those objectives, in fact we may harm the program.

Mr. CHINO. Senator Fannin, I would like to say that in view of what the gentleman here to my left just mentioned, that with these three tribes evidently, these contracts that these tribes have are not a detriment to the involvement of the school administrators in working with the tribes, and I, myself, I do not see any jeopardy of State funds or any reduction resulting from contracting under the Johnson-O'Malley funds. Rather, I think it would give a tribe an opportunity to know something about the education of their children. And particularly so, I have two children who are in the public schools, and it stands to reason that we should move in this direction of youngsters going into the public schools. I know that, and I am hopeful that as time goes along we can do more about our roads that cross our reservations where we can have the community schools and community programs. I think this would be a great step forward, but it can't be done overnight. We are very proud of some of the work that is being done in some of the BIA schools.

Senator FANNIN. Just what does local control of schools to the Indian mean? Would you please explain that?

Mr. CHINO. I will let Mr. Youpee explain that.

Mr. YOUPEE. Would you repeat the question, please?

Senator FANNIN. Yes. What I would like for our record so that we can explain to our colleagues what does local control of schools means to the Indians. In other words, I want you to bring out the importance of local control.

I have heard you say that many of you speak about local control, but I would just like for you to describe, for the record, what do you mean by local control.

Mr. YOUPEE. Thank you, Senator.

My name is William Youpee, Chairman of the National Tribal Chairmen's Association. I am a member of the Sioux and Assiniboine Tribe for the Fort Worth Reservation in Montana.

Indian people always advocated local Indian control because we feel that in too many instances that when the control is left to the Government people that the needs of the Indian people are not being met.

By that, I mean in order to understand the Indian people, you most certainly have to have somebody that really understands Indian people, because you have got to admit that the Indian people in many cases are a different kind of people altogether.

They are a unique people, and certainly the only way to really get next to the Indian people is to understand them. And as I have said a good many times, you almost have to live with an Indian to understand them.

That is why we have so many problems with communication because of the people not being able to understand Indian problems. So, it is absolutely necessary that Indian people get control of the programs that they are affected by.

Senator FANNIN. Mr. Chino, did you wish to add something.

Mr. CHINO. One local control which could be instituted in this way—let's take the Phoenix Indian School.

This is attended by Phoenix children and Navajo children and other tribes in that area. I think that the operation and control of the school should be given to the tribal leaders, or Indians from these particular communities to exercise what in my mind would be local control, and this would provide the Indian people with an input in it.

On the other hand, let's take Mr. Ed Cline. Unfortunately he is not here with us this morning. He comes from Aberdeen where his people in his particular community and village have control of the local school board, and the majority of the members evidently are members of the Omaha Tribe.

Therefore, there again, they can speak of having local control, and then another situation would be in my own situation where we are part of the general public school system and the first six grades are conducted on the reservation.

After the children finish the sixth grade, they go to a public school, and here again I think the situation can be worked out where the tribe could have some input so that these children have education through the sixth grade, and we have had people run for the school board, but on numbers again, numbers of little communities like Telarosa, it makes it impossible to elect someone.

Therefore, our only solution would be to have some input by way of a contract such as Johnson-O'Malley and discuss the school program with the school board and give us an opportunity to participate.

So, in my opinion, the local control takes different forms according to the different situations.

Senator FANNIN. I certainly agree with you, Mr. Chino. It is very difficult, for instance, the Phoenix Indian School and Sherman in Riverside, Calif., where the children are so distant from the parents and from the real Indian population, and I don't think it is practical.

I just wish we had more Indian teachers, more Indian administrators, school administrators, that could take an active part in the operation of the schools.

I think it would be very difficult for Indians at Riverside, Calif., to have an Indian school board. I don't know how it would operate.

Of course, in Phoenix you could have a board from some of the adjoining reservations, but it wouldn't necessarily represent the students that are attending because we do have students from isolated areas attending that school.

I want to get an explanation as to what you intend. I feel that if we can accomplish a goal that we are talking about in getting the roads across reservations and having the community centers, schools would be an integral part of that community center. Then we can have the board members, and perhaps in many instances, all of the members of the board would be Indian citizens.

I am just wondering how you could accomplish having Indian school boards at places like the Phoenix Indian School and at Sherman in Riverside, Calif.?

I thank you for your answer and I know the goal, and I think we have a common goal, but it is going to be a very difficult one to work out in that regard.

I did not have the pleasure of hearing the previous witness, but he did say that he endorsed Senator Jackson's press release of March 1.

I wonder if you have a position on the draft by the General Accounting Office report, or do you wish to defer that until we see what the final report says, or can you take a position at this time?

Mr. Chino. No, I don't think at this time I am prepared to make any comment on it.

Senator Fannin. Have you seen the draft report?

Mr. Chino. No, I did not.

Senator Fannin. The preceding witness was Mr. Ducheneaux.

Mr. Ducheneaux, have you seen the report?

Mr. Ducheneaux. I think in reading the press release and what it says about the status of Indian education, we said that for years, and the conduct of Indian education by the Bureau of Indian Affairs in this administration and in the past administration has not been adequate, and this is why we are here.

Senator Fannin. I realize by your endorsement on the press release that it is based on just a draft report. I am just a little amazed that you can come out with an endorsement without knowing everything that would be involved.

Mr. Ducheneaux. I wasn't endorsing the report because I haven't read it. I am endorsing the Jackson statement which indicated that the conduct in Indian education in the Bureau of Indian Affairs is not adequate, and we have been saying this, and the Indian people have been saying this for years.

Senator Fannin. It is certainly your privilege, if we are going to have testimony that would help this committee. I would like it to be based upon the reports that are final and that could give us complete information.

I have seen reports come through that are changed completely by the time the final draft is completed. That is why I just wondered about that, why it would be endorsed that way.

Senator Metcalf. I would suggest to my colleagues that I have been on Indian education hearings now for almost 20 years. The general propositions that are incorporated in Senator Jackson's bill, cosponsored by some of the others, are propositions that the Indian people have been advocating on various Indian committees that I have been associated with for all of these 20 years, and I don't think it is based upon a report or conclusion or anything.

It has finally come around that some of the people in the Congress have started to listen to some of the Indian proposals and started to put their ideas into a bill, and I am not surprised that at this time when they have, we have finally put some of the things that I used to hear 20 years ago into a piece of legislation, that they come in and agree with it.

Senator Fannin. I call my colleagues' attention to the statement that was made and I will just read it.

> Senator Henry M. Jackson, Chairman of the Senate Interior and Insular Affairs Committee denounced today the Nixon Administration's conduct of the Indian education programs. In a news release, Senator Jackson termed the Bureau of Indian Affairs (BIA) administration and educational programs for some 50,000 American Indian, Eskimo and Aleut school a "moral outrage."

I would just say that we have seen more progress—and I am not just holding it to the time that the new administration has been in office—I think we have seen more progress in the last 3 to 5 years than we have seen in the last 25 years, that I have observed.

I have been living near these schools, and I have lived within a couple of miles of the these Indian schools. I now live within just 3 or 4 miles of a reservation. I am constantly involved with these schools and with these programs.

I know from having served three terms as Governor, having charge of the Commission on Indian Affairs, I realize the tremendous progress that has been made in the last 3 to 5 years. So I resent that statement being made.

That is all I want to say to my colleague.

Senator METCALF. The Senator has a perfect right to present any statement.

Senator FANNIN. Thank you.

Senator METCALF. Mr. Chino?

Mr. CHINO. Senator Metcalf, before we leave the stand here we don't want to leave the impression that the gentleman here on my left has a very fine opinion on payback. Really basically we have no wide differences on it. I think that this will have to be dictated by the economic and social standing of the tribes.

Some tribes are just able to barely support their governments and there are many, many tribes that are certainly not even in a position to even talk about paybacks, so I just wanted to clarify that.

Thank you very much.

Senator METCALF. We have a great deal of concern about payback in all of our educational programs. One major United States university today has suggested that everybody attending a university get a loan and then they only have to pay it back after his or her income attains $7,500 a year, and some will have to pay a greater percentage of their income than others.

That seems to me to be a pretty good proposition. That is the kind of thing that you are talking about. Some of these people don't know whether they want to go into a profession or not when they become freshmen or sophomores of a university, especially Indian people from small schools where, as Senator Fannin has pointed out, they have a lack of laboratory facilities and a lack of properly trained scientific teachers and so forth. I came from a small school, and I understand that sort of problem when you go into a university.

The Indian people, though, have a different disadvantage. They come from a minority culture. They come from an economic structure that is lower than the average economic structure. Their clothes are less, and their ability to partake in the economic activities is made rougher because they have to take busses to and from the reservation, and as you pointed out, this payback thing shouldn't be approached until after the person has been in school and that person wants to be a lawyer, or he has developed an affinity for chemistry, and wants to be a chemist.

This is not only an Indian problem, Mr. Chino, this is a national problem for how we are going to finance higher education for our boys and girls above and beyond just the ordinary education that we give them in the first couple of years of college.

Senator FANNIN. I would just like to say that I want to praise our Indian people because I feel that they have come forward with recommendations, have been very diligent in their work towards bringing about a better educational program for their people, and this has occurred, I feel, in the last 10 years more so than any previous period, so I am not talking about it politically, I am just saying that in the last 3 to 5 years it has been even more outstanding.

Thank you.

Senator METCALF. Mr. Chino, I think that you have rendered service to the committee in one of your responses to Senator Fannin's question. You were rather talking, I think, at cross-purposes.

While you were answering this question about lawyers and doctors and so forth to the Indian reservation, I think you got down to the fact that you were in agreement, that you would hope that some of these professionally trained and skilled Indians would return to the reservation.

But your first answer brought to my mind that what we need is a work-study program for Indians. You said they should go into work for the Highway Commission and things of that sort.

Mr. CHINO. No, I am not advocating that. I am talking about the summer months when this young person won't be going to school.

Senator METCALF. I think we should get a work-study program into this as part of an Indian education proposal so that we could give opportunities for Indian people to participate in such governmental work, not only in the summer months, but as a permanent and regular career.

I want to compliment you, too, on giving us an alternative to the Board of Regents. It seems to me that it is an adequate sort of proposal. There are, however, 11 area directors, and what function would the BIA area directors perform in your program?

Mr. CHINO. As you know, we recommended the adoption of this Section 9 of Senator Montoya's education bill, S. 2416. Under the direction of the Secretary, he has the responsibility of administering all laws and program funds under the jurisdiction of the Department of Internal Affairs.

I don't profess to know the economics of the bureau or of any government agency or operation.

Senator METCALF. What you are suggesting is that we circle or bypass area directors on this Indian education program and just have sort of like the impact area program, we have the education commissioner at the top and the various Indian education local people at the next level and not go through that, the directors, area directors?

Mr. CHINO. I think this is up to the commissioner of Indiana education now. Our point is, if a good portion of the appropriation for the Bureau of Indian Affairs is education, then it stands to reason that there should be a head, and solidify the entire educational program, and certainly there is enough responsibility for the commissioner of Indian affairs, who still has responsibility for land, land resources, timber, community services and that sort of thing.

Senator METCALF. I wasn't suggesting that you take any responsibility away. I was just wondering what the function of the area directors would be as far as Indian education is concerned.

Mr. CHINO. Of course, my own position, relative to the regular direction of Indian affairs programs, I have never been a supporter of the area office system because it has been my contention and position that the person at the local level certainly knows his program better than all the middle people in between.

Therefore, he should have sufficient authority to execute the program according to the wishes of, in this case, the Indian people.

Senator METCALF. So, largely it would be the commissioner at the national level and the various Indian people concerned with education at the local level.

Mr. CHINO. Right, with a minimum of bureaucracy.

Senator METCALF. Thank you.

Thank you very much for coming and for helping us. This is a very constructive suggestion.

I am going to hear from the next witnesses, the Indian Education Association.

Mr. Demmert, we are delighted to have you here.

STATEMENT OF WILLIAM G. DEMMERT, JR., MEMBER, BOARD OF DIRECTORS, NATIONAL INDIAN EDUCATION ASSOCIATION

Mr. DEMMERT. My name is William Demmert, Jr., I am a Tlingit from Southeastern Alaska, and I have been teaching Indian children in public schools for over 10 years. I am presently Director of the American Indian Program at Harvard Graduate School of Education, where I am completing course work for my doctorate degree in school administration.

I would like to express my appreciation for this opportunity to testify in behalf of the National Indian Education Association.

I would also express my respect for the concern this committee has demonstrated for the future of Indian education through its recent legislative efforts in authorizing appropriations for increased funding, local control, and Indian influence on a national scale, with the passage of the Indian Education Act of 1972, a part of S. 659, the Higher Education Act.

I commend this committee for its attempt to meet the needs not covered in the above mentioned act, specifically, the educational needs of Indian children under the Bureau of Indian Affairs.

Before discussing S. 2724, I will mention general concepts the NIEA feels must be included in Indian education legislation if it is to effectively determine the direction of Indian education in the years ahead.

First, we believe that it must be the policy of the Federal Government to provide full financial support for the basic education of Indian children at the pre-school, elementary, secondary, undergraduate, graduate, and post graduate levels. In addition, adult education, vocational education, innovative, and special educational programs for Indian children must be accorded the highest priority.

Second, construction funds for elementary and secondary educational facilities, community colleges, and for other purposes must be made available.

Third, Indian control over the education of their children, at both the national and local level, must be realized.

Finally, the best method for accomplishing all this must be found. I believe Indians agree on the first three concepts, but tend to question the various approaches suggested for the last, and perhaps the most important problems.

At this point I will present some personal biases that might or might not find general support among the Indian population. Support is important, but more important is the opportunity to review all possible approaches and select the one most likely to provide a successful educational opportunity for Indian children attending other than public schools.

Legislation must include:

One, a method of direct funding on a level equal to not less than the average per pupil expenditure of the public schools in the State or area of residence, with provisions for this to be adjusted when that amount is not sufficient. If the majority of a community elected to contract for the total amount rather than accept individual direct funding, that option must be available.

Two, a method of direct funding for students pursuing undergraduate, graduate, and post-graduate programs in institutions of higher learning. These funds must be equal to amounts spent for fees, tuition, living expenses, and travel to and from the place of residence.

Three, a method of direct financial assistance for Indians planning on, or actually attending adult education or vocational programs, that would provide for the actual cost of training, living expenses and travel when pursuing a program on a full time basis.

Four, and finally, a method of distributing the funds, and providing technical expertise to communities and schools requesting such assistance. To me, this means a special department of Indian education composed of professionals responsive to, and under authority of, Indians affected by such a department.

S. 2724 has many features which are commendable and worth incorporating into legislation for Indian education. It proposes a design for the administration of Indian education; increased funding for special educational needs of Indian children; funding for adult education; and limited funding for construction of school facilities.

Title I addresses itself to the problems of Indians under the Bureau of Indian Affairs, and Title II contains most of the provisions included in the Indian Education Act which is a part of S. 659.

The National Indian Education Association has several specific recommendations to make concerning S. 2724, which I hope you will seriously consider during any revision.

Under Title I, National Board of Regents for Indian Education, Section 101, the NIEA recommends that the Board of Regents not be subject to the direction or supervision of the Secretary, but that the Board take its direction from the Indian community it must serve.

Under section 103(a), we strongly urge a revision requiring the President to appoint board members from lists of proposed nominees submitted by Indian tribes, organizations, and communities.

Under (b) of the same section, we suggest that appointments reflect the Indian population affected by this act, as well as a geographic distribution.

Under section 104, we feel that the Board of Regents, and not the President, should appoint the Chairman, and Vice Chairman.

Under section 105, we recommend that the board positions be considered full time so its members can effectively meet the demands that will be placed on them.

Under section 204, "Application for Grants: Conditions for Approval," Indian tribes, organizations, and communities should be eligible for grants when the State departments of education will not or cannot work with local Indian communities and schools.

Under "Payments," section 205(a), we feel that funds must be appropriated 1 year in advance, and that provisions be made to enable small schools with inadequate budgets to secure funds in advance of actual expenditures. Many such systems do not have available funds to pay for services resulting from special grants or programs until such funds have been allocated.

Under part D, Office of Indian Education, section 211(b), we recommend that the Deputy Commissioner of Indian Education be delegated the responsibilities and duties under provisions of Title II of this act.

Under Title IV, Amendment to the Johnson-O'Malley Act, section 401, section 4(a), we recommend that these funds be additional to current JOM appropriations and that a provision for direct funding of Indian tribes, organizations, or communities be included when they are involved in the education of their children, and responsible for the educational program in that community.

In addition to these specific recommendations, I would hope that this committee consider an experimental program specifically designed to provide direct funding of individuals, similar to a tuition voucher plan. This special section could appropriate funds for several reservations, or Indian communities, in various parts of the country to test the possibilities of such an approach for resolving the problems in Indian education.

I believe the survival of any culture is dependent upon the formal as well as the informal educational system of that people. The Indian and Alaskan Native people of these United States have fought long and hard, and are still fighting for the right to determine their own future. In my opinion, this can only be done when they control, or have a strong voice in the education of their children, and when they are responsible to themselves for their actions.

Thank you.

Senator METCALF. Thank you, Mr. Demmert, for your very helpful statement. I know that the committee will be especially grateful for this specific amendment that you suggested.

Senator Fannin?

Senator Fannin. Thank you.

I commend you for your statement, and certainly I agree with you on many factors that you have brought forth.

In your comments in your first page:

> First, we believe that it must be the policy of the Federal Government to provide full financial support for the basic education of Indian children at the pre-school, elementary, secondary, undergraduate, graduate and post graduate levels. In addition, adult education, vocational education, innovative and special educational programs for Indian children, must be accorded the highest priority.

Are you talking there about the villages, for instance, in Alaska, say, the concentrated areas where we have Indian children like in Oklahoma or on the reservations in Arizona; are you speaking of Montana or other States where there is a concentration; is that what you are referring to?

Mr. Demmert. I made a very general statement there, and I feel that until such time as this is a policy of the Federal Government we will never really make much headway in Indian education, simply because—well, Senator Metcalf mentioned that the income level of the Indian is very low, and until such time as the problems of housing, of food, clothing, are met, any people will not look very far into the future with special concern, in this case education.

And I feel that, yes, we need to find a basic program of funding for Indians at any place for two reasons. One, if we are going to preserve our various cultures, there is no way that that can be done unless we either have our own school systems or have a tremendous amount of influence in the direction the particular school system is moving that we would be attending. In local areas, small communities, villages and reservations, that is no problem, and this is what I think the question is.

Senator Fannin. What I am concerned about is that I am wholeheartedly in agreement with you as far as your idea of elementary and secondary education and community colleges must be made available. But that must be in an area where there is a concentration of Indian youngsters, isn't that true?

Mr. Demmert. Yes.

Senator Fannin. And I agree, but if we go to some communities where the Indian children and Indian families have been assimilated into the community where they are involved and perhaps without those problems, in other words, would you still apply that same formula?

Mr. Demmert. I will have to answer that two ways.

First, I think that it must be up to the prerogative of the individual family or maybe that small Indian community in a larger community, and the reason I say that is some people would prefer to send their children to public schools. Others would prefer, and are right now attempting, to start their own school system.

For example, I understand that a great many Indian children in Minneapolis have withdrawn from the public school system, and are outside that system, and going to school. The Chinese have done that for a regular time, and once they have gone to the public school, they go home in the evening and preserve their culture.

And specifically, in my research, I have found that the needs of most of the Indian students in public schools either aren't recognized or are not being met.

The hearings talk about it in 1928, and the Senate committee talks about it in 1969, and later, two reports, 40 years later, indicate that this may have been a mistake.

Senator Fannin. I can just speak about my experience in the State of Arizona. We have gradually taken a large percentage of our Indian students in the public schools, and I have stated many times that I feel we should do more in respect to their training.

I think it is essential that we spend extra money to properly educate these youngsters which as you know have problems from the standpoint of the English language. But I think we should make some special efforts. Don't you think that it would be far better if we would still help them to retain the culture that we are talking about, and still make the public school program acceptable to them, and to assist them to a greater extent than to isolate them into another school program?

Mr. Demmert. I look at it from a different point of view, and I would say, rather, that the community has to make that choice. It may be that they will want to move into the public school system, and move in that direction, or it may be that they are—I hate to use the words—"not ready," and that may be one way of saying it.

Another way of saying it is that, in order to retain their culture, they may not want to move in that direction. And in my opinion you can't force movement in one direction or the other. You have to let the community start from where it is and move in the direction it chooses, and only in that way will education of Indian children be successful.

Senator Fannin. It could not be overnight, and we realize that we have problems just as we talked earlier about the BIA schools, the boarding schools and the public schools. And I mean the boarding facilities where they are going to public schools, and we have many different programs.

We can't accomplish overnight what we may think should be done, and when I say "we," I feel that the Indian people themselves should have the greatest input into the decisions that are going to be made, but I am just wondering about that youngster and what we can do for him to his greatest advantage, and to the advantage of the Indian people, generally speaking. What I am talking about is giving special incentives to go back to the reservation as doctors, and the girls as nurses and professional people as a whole, or in special training in agricultural activities, whatever it might be.

I am looking at it from the standpoint as to what we can do to bring the Indian parents into the program and bring the Indian leaders, generally speaking, into the program. And I am perhaps judging it by my own experience in my State where I have seen a gradual trend of our youngsters going from the BIA schools into the public schools, and I have seen good results from it. I personally did not want to see our public instruction department make that decision, but I want the Indian people to make that decision, and I am hoping that we can make it attractive enough to have them desire to do so.

Mr. **Demmert**. In my suggestion for an experimental system for a tuition voucher plan, I was attempting to provide a means to do just what you are talking about, and in my opinion that is just one of the few ways that can be done, and almost every other way we have tried to date has failed.

Senator **Fannin**. Where does that fall within in the Office of Education?

Mr. **Demmert**. To date, it hasn't ranked very high as a special problem. I think the Senate pressure, the House pressure and the President's message in—when was it—in June of 1971, indicating that they need to move in the direction of recognizing Indian education and at least at a minimum some sort of special relationship with the Federal Government similar to what the bureau has, and as I understand it, they are attempting to move in that direction.

I am not sure how far they are going to move in that direction, or how far they will be able to move in that direction without special legislation.

Senator **Fannin**. Do you consider that the No. 1 priority as far as the Indian Education is concerned?

Mr. **Demmert**. No.

Senator **Fannin**. What do you consider to be the No. 1 priority?

Mr. **Demmert**. As I see it right now, the No. 1 priority is to find a way to get funds directly to the local community so that they can determine the direction of their educational system.

We have a lot of Indian schools, or Indian communities throughout the U.S. looking for funds to start their own systems, and especially in the reservation areas, and they can't find the funds.

You mentioned Navajoes in the community college concept and the success that they are having. I would like to throw something else in.

In the northern part of Alaska, we have an Eskimo community where everything is taught in the Eskimo language from grades one, two and three, and it is fairly new, but already those first and second graders, with the parents coming into the school system and doing teaching, especially during those first critical years, these kids have already surpassed some of their older brothers that are in grades four, five and six, and to me that is very significant.

Senator **Fannin**. That sounds very progressive, and I would like to talk about this particular school program. And you say that they have advanced more rapidly?

Mr. **Demmert**. Yes.

I was at a meeting of the University of Alaska in January and I listened to some of the Eskimo representatives talk about the children who were in the program, and when they came home, they were able, or they are able, and they have surpassed their older brothers and sisters in their abilities to work in a formal school setting and in the development of schools.

Senator **Fannin**. We have had a similar program with our American youngsters, but I don't know the success of it, but do you support the concept for establishing a national board of regents for Indian education?

Mr. DEMMERT. May I qualify that answer?

Senator FANNIN. As you so desire.

Mr. DEMMERT. Do you want a yes or no?

Senator FANNIN. No. You just go ahead and explain your position.

Mr. DEMMERT. At the present time we have two means of getting money, two different avenues of getting money to Indians, one from the Bureau of Indian Affairs and the Commissioner of Indian Education under the authority of the Assistant Secretary of Interior, and the other way was through the Office of Education and through the various add-ons to Title I, and it may be that we may want to continue those two avenues.

I am not sure about that particular purpose, but I think if we do channel funds to those two departments, we then need to be responsible, not to someone not interested in Indian education, but to another or separate group responsive and responsible to the Indian people, and there is no way that can be done unless you have some sort of a national board of regents.

In all due respect to other testimony that I have heard, it is administratively impossible to find someone, one single person and put him in charge of Indian education and have him responsible to a secretary or a commissioner and at the same time have him do what the Indian population wants him to do.

I think you have to have something on the nature of a national board, a board of regents, whatever the case might be, selected from lists submitted by Indians and that these individuals determine the administrative people in a department of Indian education, and not have a commissioner or someone from the Interior to determine who that individual will be.

So, yes, I think it is a very necessary part.

Senator FANNIN. Thank you very much.

Senator METCALF. You made a very helpful and significant contribution, Mr. Demmert, as an educational specialist, and certainly a specialist in Indian affairs and Indian education. We are going to give great consideration to your views.

Thank you for appearing, and as this bill develops we may ask you for further suggestions.

Thank you.

Mr. DEMMERT. Thank you.

Senator METCALF. I have been asked by a witness who is not on the list who desires to testify. It is now noon, and this hearing has gone for 2 hours, but I think that we should permit him to have a limited audience here this morning, and so, Mr. Victor Kishigo—is that right?

Mr. KISHIGO. Yes.

Senator METCALF (continuing).—Of the Michigan Indian Federation will come forward and we will hear you for a limited time.

Would you identify the people?

Senator Fannin is supposed to be voting in the Finance Committee, and I had anticipated that this hearing would end at 12 o'clock, so would you be very brief?

STATEMENT OF VICTOR KISHIGO, MICHIGAN INDIAN FEDERATION; ACCOMPANIED BY RICHARD KING, LESTER GEMMILL, AND JOHN BAILEY

Mr. **Kishigo**. Thank you, Senator.

We will be brief. The group are representatives from Michigan, of course, and this is Mr. King to my left, who is the President of the Michigan Indian Federation, and Mr. Gimbel is the President of Indian Education, and Mr. Bailey is the President of the Johnson Valley Indian Education.

We were concerned with primarily urban and rural Indian problems. Due to the living configuration in the State of Michigan, whereby less than 10 percent of the Indians live on Federal reservations out of a population of 30,000 Indians, this means that the way that Indian education is now allocated to Michigan that the majority of the Indian students in the State do not receive any support of any type. As far as 2724 is concerned, I think that the Michigan Education Board supports all of the concepts involved in it.

We do not support the leaving of the BIA. We need to develop a different kind of system where the educational opportunities are for all of the children, regardless of where they live.

That, I think, is in a nutshell what our real concern is.

As far as Title I is concerned of the National Board of Regents for Indian Education, we support the concept, and I think under Johnson-O'Malley, under that title, Title IV, that this be changed to read "to serve all Indians in the State of Michigan" and that we should leave the definition of Indian as presently within the bill, just the way it is written.

I would like to give it to Mr. Gemmill, if I may.

Senator **Metcalf**. As I understand it, your problem is that the bill isn't quite broad enough to cover the problems of nonreservation Indians, especially in urban communities?

Mr. **Kishigo**. That is true, sir.

Senator **Metcalf**. I agree with you. It doesn't make any difference whether it is Detroit or Seattle or Los Angeles, all of those, Minneapolis, Chicago are a rather substantial Indian population. It is a good suggestion.

The staff tells me that they think the definition and the formulas do take care of that problem. I am looking at my consultants here on the staff, but they are going, because of your misgivings, to take another look at it and be sure that we are taking care of the Indians that are off the reservation because they are about 50 percent of our Indians in America today.

About 50 percent, I am told, are off reservations, and we need to give them the training and we need to give them the education and consideration that we are giving the on-reservation Indians.

So, if you have some misgivings, we are certainly going to take a look at it.

Mr. **Gemmill**. Lester B. Gemmill. I live in Flint. I am a public school teacher there for about 12 years, and I might mention that I am a graduate of one of your BIA schools. I graduated from the

University of Toledo and the San Jose State College, and I have been living in Michigan since 1953.

I want to just reemphasize some of the things that Mr. Kishigo mentioned.

One report that fascinated me made by various psychologists and people in the related fields said that children throughout the world who are deprived at an early age of their cultural background stand a very weak chance of surviving in the type of society that we have.

They cite the immigrants who came to this country who continued to keep the Old World Culture, such as the Jewish people and others. The children are much stronger and able to compete in our kind of society when they are allowed to have their language and their songs and their dances and their dress.

And since the Indians have been deprived of this traditionally, we have been deemed as being weak, and not capable of competing in our kind of society. I think this is a strong condemnation of the system of the BIA and the society of handling Indian people in the past. This is one reason why we feel we have to get back to some of the Indian ways, get to the children to give them some pride in themselves so that they can perform like they need to perform.

Thank you.

Senator METCALF. Well, I want to thank you for coming before us, and I think you have made a significant contribution.

Those of us from Indian country, in the sense that it is a reservation country, such as Montana and North and South Dakota and New Mexico and Arizona and so forth are inclined always to think of these Indians' problems and Indian education and Indian health and Indian welfare in terms of the reservation Indian, because most of the areas with which we are familiar and the Indians with whom we are concerned are reservation Indians, but we have to continually be reminded that there are Indians all over America who have the same rights and the same problems and the same desires, and you have made a significant contribution to give us that additional admonition this morning.

Thank you.

Mr. GEMMILL. Is it appropriate that we will submit a written statement at a later date to the committee?

Senator METCALF. Well, we will be delighted to have it, and we will be happy to put that into the record.

This will conclude the hearing this morning, and tomorrow we will reconvene at 10 o'clock, and the first witness will be Mr. John Martin of the Navajo Tribal Council, so we will recess until tomorrow.

(Whereupon, the hearing was recessed, to reconvene at 10:00 a.m., Tuesday, March 7, 1972.)

(The prepared statements of Mr. Kishigo and Mr. Gemmill follow:)

STATEMENT OF VICTOR KISHIGO, MICHIGAN INDIAN FEDERATION

Mr. Chairman and members of the Interior and Insular Affairs Committee of the United States Senate. I would like to thank you on behalf of the Michigan Indian Confederation (MIC) for allowing us to testify today on S-2724, the "Comprehensive Indian Education Act of 1971". My name is Victor S.

Kishigo, Coordinator for the MIC. With me is Mr. Richard King, Chairman of MIC and President of the Grand Traverse Bay Area Indians; Mr. John Bailey, Vice-President of MIC and President of the Genessee Valley Indian Association; and Mr. Lester Gemmill, Vice-President of the Genessee Valley Indian Association and a member of the Ad Hoc Committee on Indian Education in the State of Michigan.

Of the 30,000 Indians who reside in Michigan, less than 1,000 reside on the four federal reservations in Michigan. Yet, of all the federal Indian dollars spent in Michigan, the non-reservation Indians receive nothing. This is particularly true in the field of education.

It is due to the educational problems encountered by Michigan reservation and non-reservation Indians that we support the general principles of S–2724. We feel that a radical departure from past educational policy is needed if Indian education is to move forward. Education of Indian youth should be taken out of the hands of the Bureau of Indian Affairs and placed in the Department of Health, Education and Welfare. Our reasoning is that the BIA is reservation oriented and regardless of how the bill is written, such a large bureaucracy would take many years to change its thinking and the non-reservation Indians of this state need attention NOW.

It is essential that the wording of this bill be such that there is absoutely no question that non-reservation Indians will receive the federal services provided for in this legislation. The terminology "on or near reservations" is ambigious and construed by bureaucrats to mean the exclusion of non-reservation Indians. We feel that the broad meaning for "Indian" as stated in Title V, Section 501 be incorporated into this legislation as it is written. Both of the foregoing points cannot be stressed too strongly. Past legislation has always contained the "on or near" and restrictive "Indian" definition which has excluded more than half of the U.S. Indian population from federal services. This must be changed now.

Now Mr. Chtirman, I would like to address myself to specific portions of this bill which we feel should be changed. In Title I, Section 101, lines 3 & 4. Delete the words Department of the Interior and substitute Department of Health, Education and Welfare. In section 103 of the same Title I, change the proposed number of regents from eleven to fifteen, and in part (b) of the same section, line 9, delete "a majority of" and substitute "not fewer than 12". All of the subsequent wording which refers to the BIA and Department of the Interior be changed to reflect the foregoing recommendations.

Under Title II, Part A, Section 202, Grants to local Educational agencies, sub-paragraph B. The wording under the above would in essence exclude over 95% of the Indian Children in Michigan. Most non-reservation Indian families live scattered throughout the whole state of Michigan with some school districts having only a small number of Indian students and a diminutive percentage when compared to all the children attending particular school districts or individual schools. However, this is the very environment in which the Indian child has the greatest difficulty due to prejudiced school administration and teachers, lack of relevant curriculum, biased history books, lack of Indian counseling, health problems, economic problems, parental apathy, a stereotyped image by his peer group, etc. Compound the foregoing with no one to effectively intervene on the childs behalf and one begins to understand the enormity of the problem and why some Michigan schools "Push-Out" one-hundred (100%) of Indian students.

If special consideration is given to the states of Alaska, California, and Oklahoma because of the living configuration of Indian residents of those states, then I strongly urge that this same consideration be given the State of Michigan and in this way end the discriminatory government policies concerning non-reservation Indians in the State of Michigan.

Under Title II, Part D, Office of Indian Education. To establish a bureau to be known as the "Office of Indian Education" in the Office of Education and at the same time establish a National Board of Regents within the Department of the Interior, appears to be an attempt to build an even bigger bureaucracy in Indian education. What usually happens is that most of the funds allocated are eaten up in Conduct and Administration for the bureaucrats with little left for Indian programs in the field. We firmly agree with the need for an "Office of Indian Education" and a National Board of Regents for Indian Education. However, we feel that both of these entities should be within the Department of Health, Education and Welfare. Further, the Deputy Commissioner of Indian Education should be responsible to the Board of Regents. This would negate the necessity for an Executive Director for the Board of Regents. The members of the Board of Regents should be compensated as executive appointees so that they can devote full time to the needs of Indian Education.

Under Title IV, Amendment to the Johnson-O'Malley Act. We feel that this act should be further amended so that all Indian students in the United States can participate and receive benefits from JOM. As this act is presently written, it discriminates against those Indians who do not live "on or near reservations". We urge that an urban and rural Johnson-O'Malley Act be enacted with the suggestion that Michigan could serve as a proving ground for new and innovative Indian Education Programs.

Now Mr. Chairman, I will yield the floor to Mr. Gemmill so that the Committee can hear his testimony. If it is appropriate, a written copy of our testimony will be sent to the committee at a later date. Thank you.

GENESEE VALLEY INDIAN ASSOCIATION,
Flint, Mich., March 8, 1972.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
U.S. Senate,
Washington, D.C.

GENTLEMEN: The following is a written report of the short oral presentation made to the Committee on March 6, 1972 as requested by the Committee members who were present.

My name is Lester Gemmill and I am a teacher in the Flint, Michigan Public School System. I am a graduate of San Jose State College (California), and the University of Toledo (Ohio), and I have been teaching in Michigan since 1953. I would like to add that I am also a graduate of one of your Bureau of Indian Affairs schools.

I would like to add to Mr. Kishigo's statement and repeat some of the things he mentioned concerning Urban and Rural Indians in the State of Michigan. About 7/8's or more of the Indian youth of Michigan live in urban areas. Their families do not necessarily live in the same school districts. Consequently, the Indian youth receive little or no attention as Indian students because they are so scattered about the school systems. Our children's drop-out rate is the highest in the state. Only one college in the State of Michigan has, to my knowledge, an Indian counselor.

Black and White pupils appear to want to learn about American Indians—their history, culture, and today's Indian problems. It seems that school administrators are slow to realize this.

Many rural Indians, not reservation people, live a marginal life. A number have no running water, indoor plumbing, decent clothing etc.

The current Ad Hoc Committee on Indian Education in the State of Michigan, of which I am a member, strongly feels that Michigan needs an urban and rural Johnson-O'Malley program in addition to the reservation program. Bureau of Indian Affairs services for Michigan are practically nil. The four reservations in the state have a population of about 1200 as opposed to well over 25,000 urban and rural Indians. Therefore, we recommend that the BIA send a competent person to consult with our urban leaders about initiating an urban Johnson-O'Malley program in our state, if this is feasible, or rewrite or amend some of the existing programs such as OEO, Title I, through Title VII to include provisions specifically for urban and rural Indian youth.

We feel that most urban and rural Indians have not been well assimilated into the main stream of American life, nor do they wish to be assimilated per se. As American Indians, we want to regain as much of our culture as we can, and to retain that which we currently have. We feel that we can function in this society and be happier of we re-learn some of the old Indian ways and values.

Young urban Indians are dissatisfied and unhappy with the public school systems. Recent surveys in the State of Michigan reveal that many White teachers do not like Indian students, nor do they wish to teach them. Consequently, when our youth reach adolescense, which is a very sensitive age, they tend to drop out of school. The drop-out rate is the highest between the 8th and 10th grades when the children reach, or are near the age of 16. They feel neglected, and unwanted.

I have been interested in some research that says children who have been allowed to practice their ethnic culture and learn their native songs, dances, and values, are better equipped to cope with the aggressive American society. Young people, according to some readings, who are denied their own culture, tend to feel insecure, lack confidence, and find it extremely difficult to compete in an aggressive society such as that of the United States today. Our Indian youth, we feel, have been denied the opportunity to experience their early cultural needs. We need programs *NOW* to correct this situation. Thank you for allowing us to appear here to present our views.

Sincerely,

LESTER B. GEMMILL, *Vice President,*
Genesee Valley Indian Association.

COMPREHENSIVE INDIAN EDUCATION ACT

TUESDAY, MARCH 7, 1972

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The committee met at 10 a.m. in room 4110, New Senate Office Building, the Hon. Lee Metcalf, presiding.

Present: Senators Metcalf (presiding), Anderson, Fannin, and Hansen.

Also present: Forrest Gerard, professional staff member; and Thomas Nelson, Jr., assistant minority counsel.

Senator METCALF. The subcommittee will be in order.

This morning we are going to start off with Affiliated Tribes of Northwest Indians. They have the advantage of being here. The other witnesses are not here yet.

So, Mrs. Lorraine Misiaszek, we are delighted to have you here, and if you will identify your colleagues and go right ahead with your prepared statement.

STATEMENT OF LORRAINE MISIASZEK, SPECIAL EDUCATION CONSULTANT, AFFILIATED TRIBES OF NORTHWEST INDIANS, ACCOMPANIED BY MRS. HOOPER, STANLEY SMARTLOWIT, AND WALTER MOFFIT

Mrs. MISIASZEK. Thank you very much, Mr. Chairman. We do appreciate the opportunity to present our determinations made in an intensive two-day session last week in which we analyzed this legislation.

I have with me today Mrs. Hooper from the Yakima Tribes, Secretary-Treasurer to the Northwest Affiliated Tribes. On her left is Mr. Walter Moffit, Executive Director to the Northwest Affiliated Tribes. On my right I have Mr. Stanley Smartlowit, Education Chairman of the Yakima Tribal Council.

We will begin our presentation—I am going to ask that Mrs. Hooper read the formal statement of the affiliated tribes and then each of us later will add our own comments to it, and be open to questions.

Senator METCALF. Thank you very much. We are delighted to hear you this morning.

Mrs. HOOPER. Thank you.

Mr. Chairman and members of the committee, it is a pleasure to appear before your committee today to state the position of the

Affiliated Tribes of Northwest Indians on S. 2724, the Comprehensive Indian Education Act of 1971.

First, our organization commends the committee for its concern about the educational deficiencies of Indian children enrolled in the Federal, public, and mission school systems.

Secondly, we are pleased that you have endeavored to resolve these issues and problems through S. 2724. It represents an admirable response on your part. We cannot help but note the broad bi-partisan backing which this proposal apparently enjoys in the Senate.

We endorse the general intent of the legislation and would recommend its enactment, if amended to reflect several major changes considered desirable by the Indian people in our organization. These major areas of concern grew out of an intensive 2-day meeting of the Affiliated Tribes of Northwest Indians in Spokane, Wash., last week where we discussed S. 2724 at length.

The recommended changes to the bill as approved by our organization follow:

One, establish a National Tribal Commission on Indian Education.

Two, authorize the National Commission to administer and direct the use of major Federal funds allocated to Federal and public schools for the support of educational programs and activities for Indian children, and;

Three, revise the definition of an "Indian" to correspond more closely with the Indian tribal groups who continue to maintain a trust relationship with the Federal Government.

Our proposed National Tribal Commission on Indian Education would serve as an alternative to the National Board of Regents for Indian Education as provided in Title I of S. 2724.

We understand the primary thrust of the National Board of Regents, namely, to bring about reform in the Federal education system by providing a new organizational framework and an opportunity for Indian leadership through appointment of Indian people to the Board of Regents.

As we understand Title I, the board over a set period of time would assume complete control and responsibility for the education function currently administered by the Bureau of Indian Affairs.

In addition, the Board of Regents is directed and authorized to devise procedures for the establishment of new local Indian school boards to assume control and direction of Federal schools on reservations and in Indian communities. We presume Indians could also band together to take over off-reservation boarding schools as well.

The Board of Regents would, within 2 years, assume responsibility for the administration of the Johnson-O'Malley Act program, and it would be authorized to negotiate contracts or other agreements with Indian tribal organizations for administration of the Johnson-O'Malley funds to support education programs and activities for Indian children.

The National Board of Regents for Indian Education would be established as an autonomous organizational unit within the Department of the Interior completely independent of the Bureau of Indian Affairs.

It is this feature which appears to disturb many Indian people. We submit that our alternative will achieve the same reform objectives desired by the committee and will at the same time win substantial Indian support.

Although we have not worked out the fine details of the proposed National Tribal Commission on Indian Education, I want to outline the concept as envisioned by the Affiliated Tribes of Northwest Indians.

The concept follows:

One, the education function would remain within the Bureau of Indian Affairs.

Two, the education function within the Bureau of Indian Affairs would be given line authority from the Washington headquarters to the operating level in the field.

Three, the education function would continue to draw administrative and fiscal support from the Bureau of Indian Affairs.

Four, the national Tribal Commission on Indian Education would develop broad policies and educational objectives along the lines proposed for the Board of Regents.

Five, there would be established a new position of Commissioner of Indian Education to carry out the National Commission's directives, including local control of Indian schools. The position would be comparable to the Commissioner of Indian Affairs.

Six, the 11 BIA area directors under this plan would serve in a staff capacity to the Commissioner of Indian Education in carrying out the directives set forth by the National Tribal Commission on Indian Education.

The area directors would no longer possess authority to influence Indian education policy in their respective areas other than in a support capacity.

Seven, the national Tribal Commission on Indian Education would be required to strengthen working relationships with State educational agencies to improve educational opportunities for the almost 180,000 Indian children enrolled in public school systems.

The Affiliated Tribes of Northwest Indians is hopeful that the committee will study our alternative to Title I of S. 2724 as a reasonable compromise for reform of Indian education, for increased Indian participation, and for Indian takeover and control at the local level. We urge its adoption.

During our deliberations on S. 2724 last week, we concluded that improved coordination of Federal funds earmarked for the support of Indian education programs and activities was a highly desirable objective. The fragmented funding of the programs creates problems in terms of realizing optimum benefits from such funds.

The ideal situation would be to have a single statute authorizing financial support of all aspects of Indian education, and to have one agency of government responsible for the administration of the funds.

Given the fact that financial support for the programs now originate in the Departments of the Interior and Health, Education and Welfare, we recognize the legal and administrative problems that mitigate against regrouping numerous statutes in a single bill and moving it through the Congress.

We submit, however, that the Congress has an opportunity to move in this direction by making certain changes to S. 2724.

We recommend that the measure be amended to authorize the National Tribal Commission on Indian Education to administer the new financial resources proposed in Title II, III, and IV. Our organization would pose no objections to having the funds appropriated to HEW and transferred to the National Tribal Commission on Indian Education for administration under the same criteria and guidelines that are now in the bill.

We continue to support an established but strengthened Indian education organizational unit within the Office of Education to increase Indian participation in the full range of that agency's programs and services.

Although our organization's membership is confined exclusively to reservation tribal groups, we are concerned about the educational needs of thousands of Indian children whose parents now reside in urban areas.

From the limited data and information available on urban Indian children, we can only surmise that these children achieve far below their non-Indian peers and drop out of school at a much higher rate.

We question the desirability of attempting to meet the educational needs of urban Indian children through S. 2724 for several reasons.

First, many of these children attend schools capable of meeting the needs of such children, if they were inclined to do so.

Secondly, many of these school districts are already receiving various forms of financial assistance under the several titles of the Elementary and Secondary Education Act of 1965, because of the presence of Indian children.

Thirdly, these schools are in a much stronger position to seek out special project funds from the Office of Education to support compensatory programs to meet the unique needs of Indian children.

Finally, we take the position that the definition of "Indian" in the bill is so loosely drawn it will permit funds to be diverted from more deserving and needy schools and children to school districts with sufficient resources to accommodate Indian children enrolled in such schools.

The Affiliated Tribes of Northwest Indians quite naturally is concerned about the needs of the children of its constituency—the reservation based Indian people.

Would it not appear more appropriate for your committee to direct a mandate to HEW to undertake a thorough study of the educational needs of Indian children in urban areas, and to develop a formal plan of action detailing the manner in which the Office of Education proposes to bring its full range of resources to bear on the situation?

Mr. Chairman, the Affiliated Tribes of Northwest Indians recognize that Indian people must assume greater responsibility in shaping legislative proposals designed to improve their social and economic status.

We are hopeful that the committee will give serious consideration to our views and recommendations during your deliberation on S.

2724. Our efforts reflect the work of responsible Indian men and women anxious to bring about constructive change.

In conclusion, our organization desires to be on record that the States should not be relieved of meeting their responsibilities to the enrolled school children of Indian citizens. We are hopeful that this measure will encourage the States to respond in a more positive and aggressive manner in meeting the longstanding educational needs of Indian children.

Senator Metcalf. Thank you very much for a very fine statement, a helpful statement as far as the committee is concerned.

I know that all members of the committee will give it thorough consideration.

I am proud of the activities of the Montana Indians Affiliated Tribes in the Northwest.

I wonder if you would name the tribes that are part of the Tribes of Affiliated Tribes of Northwest Indians? Do you have a list? Would you provide the list and we will put it in the record, because I think it is important to know the representation that you have.

Mrs. Misiaszek. Yes, we will provide a list of the tribes of the Affiliated Tribes for the record.

(The information follows:)

MEMBER TRIBES OF THE AFFILIATED TRIBES OF NORTHWEST INDIANS

1. **Blackfeet—Montana.**
2. **Flathead—Montana.**
3. **Coeur d'Alene—Idaho.**
4. **Shoshone Bannock—Idaho.**
5. **Colville—Wash.**
6. **Makah—Wash.**
7. **Yakima—Wash.**
8. **Lummi—Wash.**
9. **Tulalip—Wash.**
10. **Swinomish—Wash.**
11. **Spokane—Wash.**
12. **Umatilla—Oregon.**
13. **Warm Springs—Oregon.**
14. **Quinault—Wash.**
15. **Kalispel—Wash.**

Submitted by Genevieve Hooper, Secretary, Affiliated Tribes of Northwest.
Dr. Ned Hatathli, NCC, President.

Senator Metcalf. Would you provide a list of your present officers of the Affiliated Tribes?

Mrs. Misiaszek. Yes, I think Mr. Moffitt can respond to this.

Senator Metcalf. Can you tell us right now who the officers are?

Mr. Moffitt. Our President is Mr. Ed Claplanhoo. He is a Makah Indian from Washington.

The first Vice President is Mrs. Lucy I. Covington, a Colville Indian.

Second Vice President, James Ely, Flathead.

The third Vice President, Cecil Lee Edmond.

The Secretary, the lady that read our statement, Mrs. Genevieve Hooper.

Our Treasurer is a Blackfeet, and I am the Executive Director.

Senator Metcalf. I especially wanted to have the names of the tribes read and some of the officers, because our Montana Indians have long taken a significant and important part in the consideration of the tribe, I believe.

Earl Old Person was once a president of the tribe. I talked to him the other day, because we finally have their bill through conference committee, so I know the importance and the activities of the Northwest Indians. They have made a significant contribution to Indian legislation over the years.

I want to mention one thing before I go on and have the rest of your testimony.

You suggest that all appropriations and Federal funds be put in one bill. I want to tell you about Public Law 874. It is not a very good—a very equitable law. For instance, over in Arlington where they spend many hundreds of dollars a year, about $800 per pupil, a person who is federally affected gets the same per pupil benefit.

Down along the borders and margins of some Indian reservations where they only spend about $150 a year per pupil, then the Indian only gets $150 a year benefit. But in nearly every congressional district in the United States there is some Public Law 874 money.

So, it is the easiest piece of legislation to get appropriations for, because all of us go in an urge the Appropriations Committee to appropriate money for Public Law 874.

I am afraid if you had yourselves divorced from some of Public Law 874, it would be easy to say to those of us out West who are largely concerned with that sort of money, well, if we are going to make any economy, let's make it over there on the Indians and not make it on 874 which affects nearly every congressional district in the United States.

So, I think as a practical matter we should try to continue to get that appropriation and then, as you suggest, further on have it transferred over and expended by your National Tribal Commission, or whatever you have.

Before I ask some more questions or Senator Anderson asks questions, do any of you have anything else?

Mrs. MISIASZEK. Yes, I believe Mr. Smartlowit has something to say and Mr. Moffitt has something to say.

Senator METCALF. You are in charge, who is next?

Mrs. MISIASZEK. Mr. Smartlowit.

Mr. SMARTLOWIT. Mr. Chairman and members of the committee, I do have a short prepared statement I would like to quickly read to you, and then I have some figures I would leave with the committee so when the considerations are made of the bill that some credit be given to the tribes, especially the Northwest Indians, that they are using some of their own funds for post-high-school education, colleges and universities, particularly of the Colvilles and Yakimas, particularly in the State of Washington.

They have spent $200,000 this past year, and the Colvilles have spent $106,000. What we are trying to say here is that the tribal leaders and the parents are concerned about their young men and women. You know, they have given a large support to increased employability of their people. Especially in the Yakima Tribe we have what we also call the trust fund that our young people up through college this past year have spent about $500,000 of their own money for education.

I just wanted to throw this out to you. Also, when we note in the bill about getting Indians involved, tribal leadership and parents, I think this is good, I want to leave for the record here what we call an assessment of needs related to the education of Indian children in the State of Washington so that when the committee is considering the bill that you might glance over the recommendations made by the Indians themselves.

Senator METCALF. May I interject at this time that the committee is familiar with some of the splendid activities of the Colville and Yakimas and others. We just passed a Colville judgment bill, in which there was substantial per capita payments.

Both Senator Jackson and I take a rather dim view of 90 or 100 percent per capita payments, but in both of those instances there was a demonstration showing that tribal funds and tribal activities were adequately taking care of things such as scholarships and education as well as those payments.

I made some comments about per capita payments yesterday, but they certainly are applicable to the Colville tribes and several others which are already doing the same thing you have described, a very substantial program of higher education and scholarships and fellowships and programs for work-study, and all of those things that we are trying to encourage, not only by this legislation, but by other legislation.

So, we are pleased to have the information you are supplying, but the committee is not unacquainted with the information that you have.

Mr. SMARTLOWIT. Thank you, Mr. Chairman.

Also, I have a book, the title of it is "It Can Be Done," this was an Office of Economic Opportunity Program, sponsored by the Tribes of the Yakima Nation. I think this is important; to give you an idea of what I mean about important, under the brief statement that I was able to kind of whip up yesterday before leaving for Washington, D.C.

Unfortunately, Mr. Chairman, I did not attend the Affiliated Tribes meeting in Spokane which was held last week, and despite the lack of communication, so to speak, I think we find ourselves pretty much thinking the same.

You know, there must be, what do you call it, mental telepathy kind of thing going on here some place, that Indians who are concerned about education don't differ very much. Maybe, though, some do more than others.

Real quickly, Mr. Chairman, the position statement on S. 2724.

In previous testimony in Seattle, Washington to Congressman Meeds, I took exception to the Board of Regents for Indian Education. This was my position then and is still my position now.

The board would be excessive in cost, too large to deal with and only have control over BIA schools, which would only cover approximately three out of every 10 Indian children being educated in the United States.

I feel now that finally positions have been filled within the Bureau Education Program that can achieve the goals of the Board of Regents without creating another cumbersome agency.

On page 3, line 19, I feel is a strong point for Indian education. "That of a properly funded and structured program." We have had to drop successful programs for lack of funding; we have innovative programs currently in Washington that are dying for lack of funding.

Proper funding is essential to quality education. We have been fortunate in being able to prove this over the last 5 years in our Summer Remedial Program.

Page 16, use of Federal funds. We have parental groups in each district to see that the majority of these items are covered specifically in identifying needs of Indian children, submission of budgets with the cooperation of the school districts and re-evaluation of priorities when funds requested have been reduced.

These parental groups have currently increased the active participation of our Indian communities in the education program of Our Indian children.

Page 27, line 16, "Improvement of Educational Opportunities for American Indian Children." Lines 21 through 25 deal with the support of pilot and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for Indian children.

This, I could support, but I have found through my years in bringing requests to Washington, D.C. that there is money for investigations, demonstrations and studies, but not to enlarge and expand innovative educational programs.

Under the Adult Education Section of this bill, we have asked through BIA budget requests an extension of services for our people. We sincerely feel we need this expansion and that we have a good plan in this area.

The Yakima Tribe provides a $100,000 a year for higher education for our enrolled members. Years of work are now providing us with graduates. We want those graduates working with our people through expanded programs.

The Yakima Tribe has been on record and is on record again that we do not support transfer of education to super agencies or Health, Education and Welfare. Given the financial support and the backing of Congress with the current improvement of Indian leadership, we can solve the Indian problems of our people.

And it is signed by the Secretary and myself, together with other —time won't permit me to go over these.

I want to thank the committee.

Senator **Metcalf**. The staff will go through it and see if some of the matters might be incorporated into the hearing record.

(A book submitted by Mr. Smartlowit is in the appendix, other material was retained in the committee files.)

Mrs. **Misiaszek**. The next member of the panel is going to be Mr. Walt Moffitt.

Senator **Metcalf**. I am delighted to hear from you. Go right ahead.

Mr. **Moffitt**. Mr. Chairman, I want to say a word about this definition included in S. 2724 regarding Indians, the definition.

Senator **Metcalf**. I have been here in Congress for 20 years, and pleading with the definition of Indians, and Senator Anderson has been here longer than that, and he has been pleading with the definition, too.

Mr. MOFFITT. Someone has said if God would have known what schools were going to be like, he would have made children differently. He would have known the barriers, the obstacles that would have been faced for Indians—the Federal Government, the U.S. Cavalry—perhaps he would have made Indians differently and perhaps the definition would have come along more smoothly for them.

But the Indian usually has, or the local tribal governing bodies usually have their provisions contained in their constitutions. The tribal ordinances contain these constitutional provisions that the applicant must be of at least one-fourth degree of local tribes and some tribes have included a general provision, namely that the applicant must be at least one-fourth degree of Indian blood, not necessarily of the local tribe.

But the language of the majority of enrollment ordinances make if necessary that the applicant be of at least one-fourth degree Indian blood or more of that local tribe.

We are opposed to the general definition that was contained in S. 2724. We can see an influx of applicants in urban as well as on reservations that perhaps will erode the opportunities for those who are of real Indian ancestry.

We want to protect our youth as well as our adults, should this bill be adopted or should it pass. Otherwise, if we do not oppose this general definition, I am certain that there will be, as we have experienced with per capita disbursements, we have people who claim Indian ancestry to be enrolled and therefore one tribal involvement increased during the times of disbursements.

Thank you.

Senator METCALF. Thank you very much.

Mrs. MISIASZEK. And now might I end up with two points that I feel should be made.

Before our presentation today, I had an opportunity to review the legislative testimony of the Department of Interior and HEW, and my reaction to their stand on the bill was that they appear—their departments appeared to me to be very mundane, and implied that they were very happy with the status quo of the situation.

We are not. You know, we are calling for changes and reform. I feel that the Department of Health, Education and Welfare, for example, if they were truly committed to meeting the educational needs, the deficiencies experienced by Indian children in their school experience, that they would have long before now established a very strong unit of Indian education within the Office of Education. They claim they have in the past year or two done this.

But, on the other hand, they have failed to strengthen this unit; they have failed to offer adequate staff, adequate budget, or adequate authority to this position.

We feel if they are truly concerned they will move to correct this deficiency within their department.

Another point that I felt was very important to make was that the past 3 years or so, I have been the administrator of Johnson-O'Malley money of the state office in the State of Washington, and worked with all of the school districts in the area.

One of the problems that constricted and frustrated educational people, and particularly the tribal group, was the fact that funding comes a year at a time—you know, 1 year, year by year—and very often the funding authorities arrive about the middle of the year. This hurts very badly the small rural school districts who have a very serious problem to even maintain the minimum requirements of the State department for educational programs.

I feel that while the committee considers S. 2724, I would hope they would think in terms of a longer period of authorization time so that programs could be planned, say, at 5-year, 10-year intervals, where some truly effective changes could be made in Indian education.

This is a suggestion that I offer based upon our own experiences in the State of Washington.

Senator **METCALF.** May I interrupt you there?

Mrs. **MISIASZEK.** Yes.

Senator **METCALF.** This is a problem, appropriations, that affects every agency in Washington. Some of the appropriations bills don't go through until half the fiscal year is over.

However, Congress did provide—we are aware of the problems you suggest, and aware of the problems of preparing the school budget and school year, we did provide continuing appropriations for educational purposes.

I am not sure just what the number of that bill is, but if you get your application in by this special funding for Public Law 874 to HEW—and also for the Elementary and Secondary Education Act—when we finally get the Education Programs covered in Higher Education Act of 1971 settled if you get your application in, you can at least have partial funding before the appropriations bill is passed.

Congress has recognized the special problems the school district has, and last year another committee on which I served, the Joint Committee on Legislative Reorganization, held long hearings about changing over from the fiscal year to calendar year, as to and whether that would be better. You put your finger on one of the most sensitive spots in all of government.

But we have tried to do something on education, and if you will confer with our consultant who used to be a State superintendent of education, too, I am told that education bill did not affect Johnson-O'Malley funds, but would affect Public Law 874 funds.

Mrs. **MISIASZEK.** I think this is one of the reasons we would be highly desirable of putting all of the administration fundings under one department, so we can overcome all of these problems we are currently living with.

The other point I wanted to make is the fact that if we could get all funding authorities under this bill into one department as we suggest, we could move towards more comprehensive planning in what we may call a concerted approach.

While I was with the State office, we were pioneering a few efforts along this line and it worked out very well. For example, we were trying to reach the point where we can have a single application form for the many supplemental compensatory programs, where, for example, Johnson-O'Malley would be one source, so the educational and behavioral objectives would be described following the regulations of Johnson-O'Malley that would apply specifically to the Indian children in this district.

At the same time we would have Title I monies with the objectives designed to follow the guidelines for Title I, for the programs of the children in that school.

As we did this, you see, we were putting together these sources to make a comprehensive but most effective attack on the educational problems in a school district.

Most of the small districts that we are talking about do not have the kind of money it takes to employ proposal writers and what have you to get the kind of money they need.

So, we have to go and develop new methods and new approaches and we see in our recommended version the answer to some of these problems, to S. 2724.

That completes my statement.

I will ask Mrs. Hooper if she has an additional remark?

Mrs. Hooper. Mr. Chairman, I would like to add that the people showed a great concern at the meeting of theAffiliated Tribes of the Northwest, as far as protecting their treaty rights. This was something that came up, they were very concerned about the education of the young people as well as some of the adults who feel they would like to be educated and they expressed the idea that in many treaties this was brought out that education would be provided for Indian people, and they stated that we should enforce this and see that this is done for our people, and that was the reason they were afraid to have funds transferred into HEW and maybe eventually relieving the BIA of that responsibility. They did not wish to see this happen.

I would like to leave you with the thought that we are sincere and I don't know how else to express it; we are concerned about the young people's education as well as the adults.

Thank you, Mr. Chairman.

Senator Metcalf. Thank you all for a very helpful statement.

Before I call on Senator Anderson and Senator Fannin—I will do that in just a moment—would you tell me how this national tribal group would be organized?

Mrs. Mistaseek. We had some discussion on the subject in the meeting in Spokane, and we felt that the tribal commission, that it should be representative of tribal groups on a regional geographic basis. The names would be submitted by the tribal leadership or organization.

We have not gone into the final details of how it ought to be done, but we do know that we do want the national tribal commission formed, we do want a commissioner of Indian education who will carry out the directives and policy of this commission, who will have the status or be comparable to the commission. We valued that highly.

Senator Metcalf. Would you, in order to assist the committee to completely understand your proposal as an alternative to the Board of Regents, would you consult and prepare a memorandum as to how many you want on this national tribal commission and whether they should be appointed or elected on geographic basis or population basis, and make a suggestion as to what we can write into the legislation as to the composition of this group, and we will put it in the record when we receive it.

Mrs. MISIASZEK. We would be happy to do that.

Senator METCALF. Thank you very much.

Senator ANDERSON?

Senator ANDERSON. I have no questions.

Senator METCALF. Senator Fannin?

Senator FANNIN. Thank you, Mr. Chairman.

I apologize for not being here during the total testimony. I had a conflicting assignment with another committee.

I glanced over your statement and my staff called to my attention some of the statements that you have made, and I am wondering, on page 3, at the top of your statement you said the National Board of Regents for Indian Education would be established as an autonomous unit, completely independent of the BIA. Then you say it is this feature which appears to disturb many Indian people. Why does an education agency inside of the BIA disturb the Indian people?

Mrs. MISIASZEK. The National Board of Regents disturbs Indian people for the reasons Mrs. Hooper brought out.

We feel that the commission which would incorporate and work and be in the Bureau of Indian Affairs, Department of Interior, and handle the appropriations from the HEW that are specifically outlined in the legislation in one department, and the reason that one —one of the main reasons that we feared a separation from—a complete separation of the educational unit from the other kind of activities carried out in the BIA with Indian tribes is that we feared a separation which would damage the progress of our total reservation, because we have on our reservation, many of them, economic development programs, worked out programs, and they all tie in so very closely with the total educational programs that we felt a separation would be harmful to this progress made by Indian people.

Senator FANNIN. I am asking these questions for information. I am not disputing it in any way. I feel you should clarify your thinking in these matters.

Of course, you also realize that many of the other agencies you speak about are not necessarily under BIA?

Mrs. MISIASZEK. Yes.

Senator FANNIN. I also remember that the Indian Health Services formerly under BIA were taken out from under BIA and operated very effectively. I am not saying we are completely satisfied, but I think we are more satisfied than previously.

I was also wondering about the position that you take, in urging the States to meet their responsibility to the Indian education program. You also agree that the Federal Government should assist financially in this endeavor.

Many of the States would be very hard pressed financially. I agree with your thoughts regarding the responsibility to the Indian education program, but I also think the States do need great assistance, even greater than supplied. This legislation, does furnish funds for the Indian education program.

Do you agree that we should increase the Federal responsibilities in that regard?

Mrs. MISIASZEK. I didn't quite understand the question.

Senator FANNIN. Many of the States now will take—we will take States where they have large reservations. Let us take my State of Arizona. We have only about 15 percent of our land as taxable. It is either owned by the Federal Government or it is owned by the Indian people, or by the State of Arizona, and so it is not taxable.

If we try to place the tax on the small percentage of taxable land under the present programing, we would have a very heavy burden on the small percentage of our taxable land, and of our people, to pay for the education of all of the people of the State.

Of course, I feel very keenly about it, because I know we need better education programs and we need better public schools on the reservations in connection with the goals that we have in that regard.

Also, I am certainly in favor of doing everything possible for bringing the BIA schools up to the standards that should exist, but I do feel that we need the support of the tribes to urge the Congress to do more in regards to the financial efforts in bringing better programs in all areas of the country.

Mrs. MISIASZEK. I must agree with you. As you were talking I recalled in our own State of Washington we are pressed to support local support for schools. You know, we have to have the special levy system passed for anything special.

Up until a few years ago the State of Washington under its formula contributed more than 50 percent to the operation of the public school system in this State. However, recently the appropriation by the legislation has cut this back and so it has placed a greater burden on the local school district to finance locally their share of the educational costs of that system.

When they want special buildings, programs, services to improve their program in the district, they must pass a special levy, and special levices are being defeated right and left, so there are critical problems ahead for us in financing public education.

Senator FANNIN. That is true, and even more serious are decisions like the California decision regarding the right to fall back heavily on the taxing of property for the schools.

I think we must find a better way of financing schools so we will have equal educational opportunities for all of the children.

I know we are going to have quite a struggle in bringing that about, we need your support in that regard.

Thank you very much.

Senator METCALF. Thank you very much.

Senator ANDERSON?

Senator ANDERSON. Do you agree with John Collier?

Mrs. MISIASZEK. I have read his book.

Senator ANDERSON. We had several times tried to persuade the Indian people to deal with the problems you discussed. Was Mr. Collier all wrong?

Senator METCALF. These are Northwest Indians, Senator. Maybe we can get some of them from the Navajo Tribal Council on our next witness.

I want to say to you, I am not as optimistic and hopeful about the Bureau of Indian Affairs as you are, and I am saying that without any partisanship involved, because I have lived through the bureau in the Eisenhower Administration, in the Kennedy Administration, in the Johnson Administration, and now in the Nixon Administration. I wish I could have the same high regard that you have.

I can understand a reluctance to leave the protection of the bureau with which you are used to, as bad as it is, for something you don't know about.

Mrs. MISIASZEK. I think it is not so much the protection as the responsibility we feel they must carry out to administer our trust. I feel it has been my experience as I worked in the State office. I did get a lot of cooperation and support from the Bureau of Indian Affairs, personally involved in education to encourage us to move out into areas that had been untried before, so that we can pioneer some of these new efforts, and I did not find they prohibited me from coming ahead.

I feel if there is leadership at the State office level willing to go into these areas that they will be supported.

However, I fear in the bulk of our States with Indian students this feeling does not exist. I feel that they are not concerned, whether deliberately or not, in allowing this kind of innovation to be developed in Indian programs; so this was our concern that States also became as equally concerned as we are for Indian education.

Senator METCALF. I think you very eloquently expressed an important thing. There have been splendid people in the Bureau of Indian Affairs, and downtown right now they are some very imaginative and innovative young Indian leaders that will do a great job. I don't want to have a blanket deprecation of the Bureau, because they have done a great job. The poverty program has done more for the Indians and fits in better than all of the activities of the BIA, and it has just been a lack of imagination.

We are equally critical, I know.

Senator Hansen, do you have anything?

Senator HANSEN. No, Mr. Chairman, I don't have.

Let me say I regret very much I have not been able to be present here earlier this morning. I am deeply interested, as you know, in this entire program and I certainly will be reviewing the testimony of these wonderful witnesses very carefully.

Thank you, sir.

Senator METCALF. For your information, both Senator Anderson and Senator Fannin are not only concerned with energy problems that all of this committee is concerned with in another meeting, but they are also concerned with welfare problems making up the welfare bill in the Senate Finance Committee, so they need to be in three places at once.

Thank you very much for your helpful testimony.

Mrs. MISIASZEK. Thank you, thank you so much.

Senator METCALF. Is Mr. John Martin here?

John Martin, Chairman of the Education Committee of the Navajo Tribal Council.

The committee is pleased and honored to have you here, Mr. Martin.

STATEMENT OF JOHN MARTIN, CHAIRMAN, EDUCATION COMMITTEE, NAVAJO TRIBAL COUNCIL, FOR PETER MacDONALD

Mr. MARTIN. Mr Chairman and members of the committee, my name is John C. Martin, Chairman of the Education Committee of the Navajo Tribal Council, and it is my pleasure to be substituted for Mr. Peter MacDonald this morning.

Senator METCALF. Mr. MacDonald has been a witness before this committee from time to time, so you have important and big shoes to fill.

Mr. MARTIN. Before I go ahead with presenting Mr. MacDonald's statement, I would like to present my colleague Mr. Ralph Davis, who is on our staff in the Division of Navajo Education.

I would like to call your attention to the title of this statement. Mr. Chairman. We sort of overlooked it. This is the statement of Chairman Peter MacDonald, submitted to the Committee on Interior and Insular Affairs on this Indian Education Bill, S. 2724. We have it listed as for the Senate Subcommittee, which is obviously wrong.

Senator METCALF. This is the Senate Interior and Insular Affairs Committee.

The regular Chairman of the Indian Subcommittee is George McGovern, who as you understand has another activity in New Hampshire today.

The Chairman of the full Committee of Interior and Insular Affairs is Senator Jackson, who also has some activity in New Hampshire today—well, I mean he is busy in Florida for next Tuesday, and we are all members of the Subcommittee on Indian Affairs and we are also members of the Full Committee of Interior and Insular Affairs.

Mr. MARTIN. I see. Thank you.

I shall now go ahead with our statement.

I appreciate this opportunity to submit my statement to the Senate Committee on Interior and Insular Affairs, on Senate bill 2724, entitled the "Comprehensive Indian Education Act of 1971."

I further express my sincere appreciation for the efforts and the strong support of the U.S. Congress for improved and quality education for the American Indians.

I am sure that the committee, through its extensive study and research, is aware of the many educational needs that exist among the Indian people. I will limit my remarks to the aspects of the bill that relate principally to Indian control over educational policies and monies, as I am sure there will be separate testimony offered on the other aspects of the proposed legislation.

The first question that arises in my mind in reading the proposed legislation is whether the creation of a national board of regents for Indian education will cause control over Indian education to be brought closer to the Indian people or whether such action will only serve to create another bureaucratic agency having little or no responsibility to conduct its affairs in accordance with the wishes of the Indian people.

It is my opinion that the very concept of a national board to which local school boards are responsible, smacks against decentralization, and consequently against effective and meaningful Indian control at the local level.

In this regard, Title I, section 107(i) specifically gives unlimited power to the board to prescribe standards and criteria with which local boards must comply prior to assuming any control over local educational programs. Local bodies are given no assurance that the national school board will prescribe reasonable standards which will result in meaningful local control.

I am very much concerned over the lack of accountability of the board on a local level. Under Title I, section 109, the board would be accountable to Congress and to the Departments of the Interior and Health, Education and Welfare through annual reports, but no where does the bill prescribe some form of accountability to Indian people. The fact that Indians will be on the board does not guarantee the board's accountability to Indian tribes.

I believe the net effect of a national board would be to involve the Indian people in fierce political conflicts that would seriously hinder the development of Indian self-determination in the field of education.

Perhaps a better approach would be to establish an Indian office of education and to staff it with Indian administrators. Such an office could be created within the Interior Department.

With respect to the financial aspects of the proposed legislation, my concern lies in the fact that educational monies are not channeled directly through and controlled by the Indian people.

I believe Indian control over Indian educational funds is absolutely essential to ensure the Indian people that educational program and policies will be established in accordance with the needs and wishes of the Indian people and that educational research monies will not go to non-Indian institutions.

Only in this manner can Indian people be assured that they will obtain their just and fair share of Federal and other educational funds.

I wish also to point out that research and pilot projects are only a superficial approach to the real problems of Indian education.

The Indian people, in order to achieve self-sufficiency and economic well-being must have educational programs designed not just to teach and train, but to provide the Indian people with a piece of the action. This means that educational programs for the Indians must be tailored to their economic, social, cultural, and political aspirations.

Such an objective cannot be achieved under the terms of the proposed legislation, but rather should be approached on a local basis.

This means that Federal educational funds must be made available to individual tribal groups and not to some remote agency or board having conflicting interests.

Therefore, I believe that S. 2724 does not protect the Indian people against possible exploitation by conflicting groups, and cannot as presently drafted accomplish the intended purposes.

Again, I would like to thank this committee for providing me with this opportunity for Indian people to be heard. It is through this kind of hearing and exchange of views that we will better achieve the kind of goals we all seek for our Indian citizens.

Thank you.

Senator **METCALF**. Thank you very much.

Does your colleague want to make a statement, Mr. Martin?

Mr. **DAVIS**. I will just make a short statement on behalf of the Navajo Education Division.

Mr. Chairman and committee members, on behalf of the Navajo Education Division, I wish to express my sincere appreciation to each of you for this opportunity to speak and express the feeling of the Navajo people in regards to Indian education on the Navajo reservation.

The Navajo division of education is a recognized division of the Navajo Nation, provided for by resolution of the Navajo Tribal Council.

The Navajo Division of Education has been given the responsibility for the education of Navajo children. At the present time, the division is structured to monitor, to set policies and evaluate and regulate Indian education programs, as they affect Navajo living on or near the Navajo Nation, attending schools on or off of the reservation.

We are especially concerned with the Federal Indian schools, public and private schools. We are especially gratified today that this committee has seen fit to address itself to the major problems of the Indian education, especially the structure and operation of Indian schools.

The Navajo Division of Education is seeking its rightful role in the educational structure and process in the Navajo Nation.

The Navajo Nation must not be denied their right to determine their own destiny to control their own education and determine themselves in the same manner as other American citizens their future, and the future of their children.

Thank you, gentlemen, for giving me this opportunity to speak.

Senator **METCALF**. Thank you both for your statements and for bringing up some of your beliefs as to errors in the bill, false approaches that this committee might make. We appreciate that criticism.

As you say, Mr. Martin, it is to these kinds of hearings we expect—

Senator **ANDERSON**. When did Peter MacDonald cancel out his appearance here today?

Mr. **MARTIN**. Mr. MacDonald was to testify here, and what is his reason for not being here—

Senator **ANDERSON**. When did he cancel his trip here? He was supposed to be here Monday or Tuesday. Now he is not. What changed his mind?

Senator **METCALF**. When did Mr. MacDonald decide he was not able to come?

Mr. Martin. Mr. MacDonald gave me this information that he had designated me to substitute for him last Friday At that time the tribal council was in session and he was chairing the tribal council session. I believe this is one of the reasons why he was not able to make it.

Senator Anderson. When it comes to Navajo tribal education, what has happened there? Is Ned Hatathli here?

Mr. Martin. I haven't seen him here today.

Senator Anderson. Isn't he chairman in the Many Farms area?

Mr. Martin. He is chairman of the Navajo Community College.

Senator Anderson. If there is to be testimony about education, shouldn't he be here?

Mr. Martin. I don't know if he was invited to appear or not.

Senator Anderson. Last September there was a hearing in Albuquerque and elsewhere on Indian education and the chairman telephoned me about 2 or 3 hours beforehand and said he wouldn't testify, and he is not testifying here today. Shouldn't he testify some day?

Mr. Martin. Yes, I believe he should.

Senator Anderson. I believe he should. He is a strong advocate for Navajo education, isn't he?

Mr. Martin. That is right.

Senator Anderson. How about others?

Mr. Martin. I think other gentlemen who should testify on behalf of Navajo education or Indian education, that you mentioned, are Dr. Ned Hatathli and Dillion Ferterro, and Abraham Blumer.

Senator Anderson. Do you think they should testify here; shouldn't they be here as witnesses? Dr. Ned Hatathli is a person well known on the reservation. Why isn't he here today?

Mr. Martin. Well, I am not sure how to answer that, Senator Anderson. He is president of the college which is under the Tribal Council, but I was only asked to represent the Tribal Council on behalf of Peter MacDonald.

Senator Anderson. I am not interested in what you are doing at all. I want to know why we can't have this representative. He is a well-known Indian. He is an educator.

Mr. Martin. I don't quite know the procedure for appearing before this committee. I understand that there were invitations to certain representatives and I don't know his reason for not being here, but I am only here on behalf of the Tribal Council.

Senator Anderson. You are opposed officially to this bill, aren't you?

Senator Metcalf. Yes, isn't your testimony directed in opposition to the legislation before us?

Senator Anderson. Directly opposed to it?

Mr. Davis. I believe that it is only in opposition to Title I, the National Board of Regents, that it is more in line with the thinking given by the National Tribal Chairmen's Association.

Senator Metcalf. If the Senator from New Mexico will yield to me for a moment.

Senator Anderson. Certainly.

Senator Metcalf. You are a member of the association that was represented here yesterday, National Tribal Chairmen's Association?

Mr. MARTIN. Yes.

Senator METCALF. And you would support the position that was enunciated there as a substitute for the Board of Regents in Title I?

Mr. MARTIN. Yes.

Senator METCALF. I gathered that you were in opposition from hearing your statement. You were in opposition, but if the alternative suggested by Mr. Chino, who was a representative of your group as well as others, was adopted, you would support Title II and so forth?

Mr. MARTIN. Yes.

Senator METCALF. I am grateful we have this clarification, Senator.

Senator ANDERSON. Last fall at Albuquerque we had a special meeting. I tried very hard to be out there. The Chairman of the Full Committee, Mr. Jackson, was there. Others were there, and Peter MacDonald wasn't there, and today he is not here. What happened?

Mr. MARTIN. Was there a question?

Senator ANDERSON. Peter MacDonald was invited. He didn't come.

Mr. MARTIN. I can only speak for Mr. MacDonald, and as I mentioned before, he asked me to substitute for him, and this is his statement. We went over it together and he has asked me to present it.

As I mentioned before, he has his obligations and prior commitments with the tribal council. This is the reason I believe he was unable to make it here today.

Senator METCALF. Is the tribal council meeting yesterday and today also?

Mr. MARTIN. The tribal council was in session all last week, and we were uncertain whether they would be adjourned—whether they would have business Monday or Tuesday, and this is the reason, I believe, he asked me ahead of time to do it Friday.

Now, the way it turned out, the tribal council is not in session Monday and Tuesday, because—

Senator Anderson. Why couldn't he come here?

Mr. MARTIN. They are going into special session Thursday, and in between time here they have to do some committee work and prepare resolutions that would go before the special session Thursday.

This is my understanding.

Senator ANDERSON. I have been out to the tribal council, I have spoken to the tribal council, but they are not represented here. I think we would like to know why the tribal council cancels out, but you still oppose the bill.

The Navajos are the largest tribe in America, and on a bill of this matter, isn't it important for the Navajos to testify? I have no further questions.

Senator METCALF. Senator Fannin?

Senator FANNIN. Thank you, Mr. Chairman.

Mr. Martin and Mr. Davis, first of all, to clarify your position, Mr. Martin, you say you are Chairman of the Education committee.

Does that include all of the education on the Navajo Reservation? Is it elementary, higher, secondary?

Mr. MARTIN. The Education Committee is a standing committee of the Navajo Tribal Council, and the Education Committee looks into all matters pertaining to education wherever it involves Navajo children.

This would include elementary and secondary and higher education, scholarships. It would include the Navajo Community College, yes.

Senator FANNIN. Doesn't the Navajo Community College have a separate board?

Mr. MARTIN. It has its own board of regents.

Senator FANNIN. Just for clarification in your statement for Mr. MacDonald—you say, "I wish also to point out that research and pilot projects are only superficial as opposed to the real problem of Indian education."

I have seen some of the programs you carry out on your reservation. Why would this statement be made that it is only a superficial approach to the problem of education?

Mr. MARTIN. I think here we have reference, Mr. Chairman to the contracting Federal money to non-Indian institutions. We certainly are proud of the Indian programs or programs for Indians, Navajos in particular, the research that is going on in the Navajo Community College and also at the demonstration school.

I think I would have reference to something like contracting with another institution at the reservation. We feel if a certain project pertains to Indian education, particularly Navajo education, we can do our own research and we should be able to contract with our own institution, let's say for example Navajo Community College, or Rough Rock Demonstration School.

Senator FANNIN. That isn't what you say in your statement. You have clarified the one part of your statement, but I am wondering now do you believe there is a need for additional legislation to provide educational services to the Indian people? Do you feel there is need for additional legislation?

Mr. MARTIN. Yes, sir.

Senator FANNIN. And you say you support all but Title I, is that your position as far as S. 2724 is concerned?

We don't want to be critical. We just want to try to get as much information as possible. That is why it would have been so essential to have Chairman MacDonald here, to answer some of these questions as to the legislation.

I understand your responsibilities, but at the same time I think you need the backup or assistance of these other gentlemen to clarify the position that you want us to understand.

Mr. DAVIS. The Navajo Division has conducted an extensive seminar which discussed the various sections of the bills, and the recommendations relating to sections 2 through 5 I have with me, and will submit to the chairman and the committee these recommendations we felt dealt more with procedure than substance. The changes recommended in Title I to V seek to correct the internal inconsistenries and to make the entire proposal more responsive to the wishes of the Indian people.

Each recommendation in the attachment contains an explanation of how and why it was reached. I believe these are self-explanatory and therefore we are not dealing with them right now.

Maybe I should have submitted this beforehand.

Senator FANNIN. I would like to know what you consider the priority need for Indian education? What we are trying to do in legislative activities here is meet those priority needs. If you could help us, it would be very much appreciated.

Senator METCALF. You have some material to submit on specific amendments, is that correct?

Mr. DAVIS. Yes.

Senator METCALF. We would be delighted to have them, and have the staff go over them, and those specific amendments will be considered.

Senator FANNIN. Mr. Chairman, if we could submit questions that could be answered jointly by Mr. Davis and Mr. John Martin, Chairman of the Education Committee, in cooperation with Peter MacDonald, I am sure we can have the full understanding of your position. I don't feel from this statement we do have a full understanding of your position, and we want to benefit by your experience. In fact, we have been very proud of what you have been doing.

I feel that you perhaps could be very helpful in giving us priorities as to the recommended legislation. So, if you could, we will submit the statements as to whether or not you are satisfied with the efforts of the BIA in education and several other factors. I trust you will be able to shortly give us your opinion in this regard, or in regard to this question.

Senator METCALF. Could you answer those in writing, if specific questions were submitted to you, Mr. Martin?

Mr. MARTIN. Yes, Mr. Chairman.

Senator METCALF. Or could you have Mr. MacDonald answer something?

Mr. MARTIN. Mr. Chairman and members of the committee, in order to further clarify our statement we will be happy to submit it in writing.

Senator METCALF. I am sure that Senator Anderson and Senator Fannin will promulgate some questions and if you can answer them—this is a pretty flat statement you make on page 4:

> I believe that S. 2724 does not protect the Indian people against possible exploitation by conflicting groups, and cannot as presently drafted accomplish the intended purposes.

I now understand that you are only opposed to Title I of S. 2724, but that is not what you have said on the next to last paragraph of your statement. I can see how all of us are concerned with the largest Indian tribe in America, the one that has done some of the most imaginative and innovative educational exploration of any tribe in America. We are concerned that you haven't told us how you feel the bill as presently drafted can be changed to accomplish what you and the committee would like to accomplish.

I am sure that Senator Anderson has some questions, and Senator Fannin has some questions, and we can submit them, and can you answer them?

Mr. MARTIN. Yes.

Senator ANDERSON. Mr. Chairman, the first time I went to the Navajo Reservation initially, they had $66 million in the bank, some of which they were going to spend on education. Would you say that is a large amount of money?

Mr. MARTIN. I would say so.

Senator ANDERSON. I want to find out what progress has been made. There have been of course, innovations, but in your statement you do not indicate what progress has been made, nor do you express fully the viewpoint of the Navajo's toward this bill. That is why the Chairman should be here.

Mr. DAVIS. I am sorry. I am having a hard time understanding you?

Senator ANDERSON. The chairman was invited and accepted. Don't you think he should have shown up?

Mr. MARTIN. I think we will have an opportunity to meet with Mr. Autote and——

Senator ANDERSON. Mr. Autote is at the University of New Mexico.

Mr. DAVIS. Mr. Chairman, I am sure the Navajo tribe will be glad to answer questions in writing if these are submitted. The Navajo tribe is always going through a period of reorganization, as with the division of education, which is very new, and it has attempted to deal with these programs, but it has only been in existence a very short time. It does have a higher education section, a vocational section, and elementary educational section and secondary, and they have attempted, as was mentioned before, within extensive seminars with Navajo educators to discuss this bill and put it in legal form, and I have copies here.

I still feel that in the legislative field that we probably are not quite clearly informed of the procedures, the processes which at this time we are also trying to cope with, and I believe that we should or will be able to get together with the Navajo educators, leaders and again with experience of the hearings in the field and experience here, that we can submit to this committee a comprehensive written statement on the position of the Navajo tribe.

Senator ANDERSON. Thank you.

Senator METCALF. Thank you very much, and I am sure that the staff will be in touch with you for further information and further help for the consideration of this legislation. Thank you for your presentation.

Mr. MARTIN. Thank you, Mr. Chairman.

Senator METCALF. Our next group of witnesses, the witnesses for the All Pueblo Council, are they ready to come forward?

Mr. Atencio, Tafoya, Abita and Tenora, Chairman of the legislative committee.

Mr. Atencio, will you introduce your two colleagues, and I see you have a prepared statement. You may read it.

STATEMENT OF BENNIE ATENCIO, CHAIRMAN, ALL PUEBLO COUNCIL, ACCOMPANIED BY GOVERNOR PAUL TAFOYA, SANTA CLARA PUEBLO; GOVERNOR JUAN ABITA, ISLETA PUEBLO; AND SEFERINO TENORA, CHAIRMAN, LEGISLATIVE COMMITTEE

Mr. ATENCIO. Thank you, Mr. Chairman.

Mr. Chairman and members of the committee on Interior and Insular Affiars, the All Indian Pueblo Council is extremely grateful that you have given us an opportunity to present our views regarding S. 2724.

With me are two of my associates, Governor Paul Tafoya of Santa Clara Pueblo, and Governor Juan B. Abita of Isleta Pueblo. Together we represent approximately 35,000 Pueblo Indians.

At the outset let me say that we support the general purposes of S. 2724. We support the concepts of effective Indian control at the national level, of direct funding to Indian tribes and Indian education organizations and of funds to develop experimental and innovative programs. Each of these concepts is contained in S. 2724.

However, within this framework of general support for this legislation, there are the same kind of differences among the Indain people as there would be among any thoughtful group giving serious consideration to complex proposals. I would like to mention a few specific items which I feel should receive further consideration.

Title I of the bill has received the most attention and the most criticism. It establishes a board of regents consisting of 11 persons appointed by the President of the United States. I support the idea of a new agency within the Department of Interior because this may be the only way to take control from the bureaucracy of the area offices.

We have found that Bureau area offices do not respond to the needs of our people. At the same time, many of the Pueblos are pleased with the work of the Bureau at the agency level. If a board of regents will take control from the area offices, then I support a board of regents.

I am unhappy, however, with the proposed composition of the board of regents.

I recommend, therefore, that the board of regents consist of not more than one person, selected by Indians, from each of the BIA area structures.

Second, the board of regents should spend full time with their work. The problems in Indian education cannot be done on a part-time basis. If the regents work only part time, they will become, in effect, an advisory committee. I recommend that adequate funds be appropriated to compensate the regents on a full time basis.

Third, all members of the board of regents should be Indian. There are more than enough qualified Indians available.

Fourth, I see no reason why the President of the United States should select the chairman and the vice chairman of the board of regents. Let the regents make that selection among themselves.

Fifth, and perhaps most important, the staff of the board of regents should not be subject to civil service requirements. If a staff person is unsatisfactory, the board of regents ought to be able to replace him.

Finally, I do not see in Title I an effective provision for local approval of contracts and I do not see any specific Indian preference provision. I think both items should be included.

Title II is similar to S. 2482. We have testified and made recommendations concerning S. 2482, and our recommendations are included in the bill which was passed by the Senate. We support that bill.

Title II makes one very significant change from S. 2482. In part A, Title II sets up a new program of aid to local education agencies enrolling Indian pupils. S. 2482 sets up a similar program but it does so as an amendment to the Impact air Law. The provision which should be supported is the one which is most likely to get the largest appropriations for the benefit of Indian students.

I am concerned about part D of Title II. In S. 2482 the so-called advisory committee is given very broad powers over the Office of Education. Part D of this bill does not give the same kind of power to the board of regents. Our experience in New Mexico has shown that we must have as much control as possible over the Office of Education. For that reason I support the language in S. 2482.

Title III of the bill provides funds for higher education. We support that section of the bill.

Title IV amends the Johnson-O'Malley Act to enable funds to be used for construction. We support the idea of allowing Johnson-O'Malley funds to be used for construction as long as it does not take away from educational programs.

Our attorney at the Harvard Center for Law and Education, Mr. Daniel Rosenfelt, has pointed out some technical problems with Title IV. With your permission, Mr. Chairman, I would like to have that legal opinion included as part of my testimony.

Senator METCALF. Without objection, it will be included at the conclusion of your testimony.

Mr. ATENCIO. Title V of the bill contains some important definitions and provisions. Section 502 gives the board of regents power to make certain that Indian children are not discriminated against by local schools. The local Indian Education committee ought to make this determination in the first instance. In other words, there should be double check on whether or not Indian children are getting their fair share of educational services.

Section 503 prohibits the use of any funds for religious purposes other than projects concerning Indian or tribal culture. Many Indian people go to mission schools such as St. Catherine's in Santa Fe, and I would not like to see those schools excluded from benefits. I believe section 503 should be deleted.

I am concerned about section 505, which provides that where non-Indians comprise less than 50 percent of a class or school, they may participate in programs funded by this act. At the Santa Domingo school on the Pueblo where I live, Indian children comprise more than 95 percent of the school. It seems unfair to single out the few non-Indians and exclude them from many programs. I support the intent of section 505.

On the other hand, the Bernallilo School District is approximately 50 percent Indian. In the past this district has taken most of the funds which were supposed to be spent for Indian education and spent a substantial proportion of it for non-Indians. I believe that where Indians constitute only a bare majority for example, 51 percent—then programs designed to aid Indian education should be devoted to that purpose.

As section 505 is now written, Indians may compose 51 percent of a school, but only 5 percent of a particular class and yet funds under this act could be spent to benefit a class which is 95 percent non-Indians. If the 51 percent in line 2 were changed to 75 percent, and if the word "school" were deleted from lines 2 and 3, then I would not object to section 505.

Senator Metcalf. Mr. Atencio, may I interrupt you here. I urge you to omit from your testimony the last two paragraphs in the interest of—it does not deal with specific legislation that we have here, and I hate to have to delete that information after you have given it.

Mr. Atencio. If I may proceed with the presentation of the testimony, then let me finish that testimony again.

Senator Metcalf. I want you to leave out the next two paragraphs, the two paragraphs relating to the jurisdiction of committees and criticizing a great committee over in the House of Representatives with which we have to work in harmony in the Congress of the United States.

Mr. Atencio. Mr. Chairman, you asked us to come to testify because you want Indians involved. Now you are telling us what to say in the testimony.

Senator Metcalf. You may say anything you want to. After the testimony is presented I am going to ask, because it is not in line with the testimony of the bill, that it be deleted.

Now, I ask that you refrain at this committee from criticizing another committee in the Congress of the United States, or criticizing the Chairman of that committee.

Mr. Atencio. That is the privilege of this committee to do whatever they want to. I think we should proceed with our testimony, then whatever you want to do is your privilege.

Senator Metcalf. Very well, proceed with your testimony. I was urging you to refrain from a matter that might get you into a serious situation and lead to criticism from the other body.

Go right ahead.

Thank you very much.

Senator Metcalf. The Chair will now rule that the last two paragraphs will be stricken from the testimony as violative of the Rules of the Senate, violative of harmony between the two Houses of the Congress, and irrelevant to the matter before us.

You discuss section 503 and I believe if you reread section 503 you will find that the only prohibition is the use of money for the teaching of religion, rather than a prohibition against Federal money to be used in parochial schools, such as St. Catherine's and St. Andrew's, and, of course, as under our Constitution, you wouldn't use public monies for teaching religion in public schools or private schools.

In your statement, in the fifth paragraph down, on page 2, you talk about Title II. We did set up a program, "Impact Aid." Were you here when the Northwest Indians testified?

Mr. ATENCIO. I heard part of this testimony.

Senator METCALF. I suggested to them sometimes the largest way to get the largest appropriation for Indian students is to use such universal vehicles as Public Law 874. We tried to keep that vehicle in the bill and at the same time have worked out the suggestions you have made in Title II.

So, I think that Title II does do just about what you want it to do, or at least we will take another look at it to be sure it does that, because that is the intent of the legislation.

Mr. ATENCIO. Mr. Chairman, our other representatives here have brief statements they would like to present.

Senator METCALF. Go right ahead, please.

Mr. ABITA. Mr. Chairman, members of the committee, thank you for the opportunity to testify here today.

My name is Juan B. Abita, Governor of the Pueblo of Isleta.

I believe our presence here today indicates a profound interest in dealing with the problems of Indian education, and we would like to take this opportunity and express our views on the proposed legislation.

There are 2,500 members of the Pueblo of Isleta, occupying almost a quarter of a million acres. We are intent on preserving our tradition, our heritage, and our language. At the same time, we are on the edge of the largest urban area in New Mexico, Albuquerque. We want to benefit from such things as employment for our people by our nearness to Albuquerque, but desire to avoid the problems of urban areas.

Our education system at Isleta works well to equip our children to fact this problem. We have a day school maintained by the BIA. Our young children go there until the sixth grade. They are taught English and the attitudes of the non-Indian community. Above the sixth grade they go to essentially non-Indian schools which receive Federal funds based on the number of Indian children attending.

This is, we believe, representative of most of the problems of Indian education. We feel that the day school must be maintained in much the same manner and must not be changed, nor incorporated into any adjacent non-Indian school district. On the other hand, we recognize the need for our children to become familiar with the non-Indian world, although not to throw over their native tradition and heritage.

We feel that the children as Isleta going to the same day school, speaking their native language, and together learning about new things, gives them a common bond and a tie to their native heritage which would otherwise be lost. Many of our children would not survive a typical non-Indian school in the early years. The day school is a bridge, in effect, to another world. We feel we must not lose this bridge.

This is an example of what any new Indian education bill must deal with. To speak more specifically about Senate bill 2724, I will refer to title numbers.

Title I, the idea of having a board of regents to administer the educational programs is, in our belief, not the best solution to resolve the problems of our educational systems. It is our feeling that perhaps a commissioner of education should be established within the Bureau of Indian Affairs. The commissioner would assume full responsibility, control and operation of the Indian educational programs.

Schools maintained by the BIA, particularly those for the early grades and those in isolated areas serve a need which cannot be otherwise served. Care must be taken to see that they are preserved and expanded if needed. We are doubtful that any positive good will come from transferring these BIA schools to another agency.

Title II, as far as grants or contracts with local entities, we feel that the funds should be distributed on the basis of need and not purely on a per capita basis. Also, the local tribes should have a stong voice in how these funds are applied. Tribes themselves should be eligible for grants. Grants should be made as directly as possible to Indian controlled organizations and intermediate levels of bureaucracy should be avoided.

Burdens should not be placed on Indian organizations or tribes to make applications for grants and follow through with such applications. Grants should be based on need and not necessarily on the resourcefulness of the applicants.

Funding must be adequate under this title. We doubt that the funding provided in this title is adequate in view of its wide scope.

Title III, this provision serves a real need. We feel that Indian young people should be given preference in training in Indian education. Also, a system should be developed whereby an Indian young person, not able to receive all the necessary education at one time, could, in essence, work his way toward an advanced degree by a combination of working in a program and participating in classroom work.

The adult education provision is most important.

We feel also that this title is under-funded in view of its very important goals.

Title IV, the Johnson-O'Malley Program has been widely discussed. We could devote much time to our experience with this program. However, in short, we feel that these funds should go as directly as possible to benefit Indian children with a minimum amount of funds being used in administration. Also, these funds should be distributed on a basis of need of the Indian children, and not on the basis of per capita or other standards.

Title V, the term "Indian" as it is used in this title does not refer to a minimum degree of blood requirement. We believe one-fourth blood is appropriate. Among other things, this would concentrate much attention to areas where the most difficult and unique problems of Indian education exist, the reservation.

Again, thank you for the opportunity to testify today. I believe this hearing indicates the profound interest in dealing with the problems of Indian education and I assure you that I as well as all of the other people of Isleta offer our good wishes to you as well as any help you may require.

Harvard University,
Center For Law and Education,
Cambridge, Mass., January 31, 1972.

Mr. Benny Atencio,
Chairman, All Indian Pueblo Council,
Albuquerque, N. Mex.

Dear Benny: In response to your request for comment on Title IV to S. 2724, we see no objection to expanding the purposes for which Johnson-O'Malley funds may be used to include school construction. We do, however, have some concern about certain language in Title IV.

Section 401 (a) authorizes contracts for classroom construction "in non-federal school districts on or adjacent to, or in close proximity to any Indian reservation necessary for the education of Indians residing on any such reservation." We would suggest that the quoted language be deleted because it is unnecessarily restrictive. In its place we recommend that line 17 read: "other facilities in non-federal school districts *with substantial concentrations of Indian students.*"

Only last October Senator Jackson stated in clear and unequivocal terms that the concern of the Committee for improving the educational opportunity of Indian children "encompasses those Indians who have left the reservations as well as those who remain." Volume 117, Cong. Rec. S. 16137, 92nd Cong., 1st Sess. And, of course, the Johnson-O'Malley Act was never intended to limit assistance to Indian children residing on reservations. S. Rep. No. 511, 73rd Cong., 2nd Sess. 1 (1934); H. Rep. No. 864, 73rd Cong., 2nd Sess. 1-2 (1934). See, also Indian Education: A National Tragedy—A National Challenge, S. Rep. No. 501, 91st Cong., 1st Sess. (1969), pp. 38-44. The language which we suggest would prevent large city school districts such as Los Angeles, Chicago, and New York from obtaining Johnson-O'Malley funds under this Title, but it would enable *small towns near reservations and in rural areas to qualify.*

The language on page 37, line 20 beginning "any such contract" and including without exception all of the language in sub-section (1) and (2) and (3) is, in our view, superfluous. Government contracts are long enough without requiring that they contain additional provisions which are covered by existing laws and regulations. The one provision in the three sub-sections which adds a separate substantive requirement is contained in lines 1 and 2 of sub-section 2 on page 38. The clause requires that facilities constructed under this act be operated "as a part of the public school system." This would exclude schools such as Ramah, Rough Rock and other Indian controlled schools. Many of these new schools are in desperate need of precisely the kind of construction and renovation funds which this section would provide.

We are also concerned about some of the language in Section 401 (4) (b). The clear intent is to require approval at the local level before any contracts are let, but the statute seems unnecessarily vague as to the entity from which local approval should be obtained. As you know, Johnson-O'Malley committees have been formed in almost every Indian community. The new Johnson-O'Malley regulations now under active consideration in the Department of Interior will require the establishment of a community education committee in each community for the express purpose of reviewing the local Johnson-O'Malley program. We believe that the local Johnson-O'Malley community education committee would be the appropriate local entity from which approval should be sought and obtained. It would seriously undermine the efficacy of the community education committee if this new aspect of the Johnson-O'Malley program were controlled by still another local group. For these reasons, we suggest the following modification of Section 401 (4) (b):

> No contract shall be entered into by the Secretary under this section unless the terms thereof have been first approved in writing by *the local community education committee established to review the Johnson-O'Malley program in each of the communities affected by the contract.*

Section 401 (5) as we understand it deals essentially with federal Indian schools which may or may not be operated by local community groups. Obviously, those schools will need construction funds, but is there not already sufficient authorization for funds through the Department of Interior? If the intent of this section is to authorize aid to newly formed community schools, then the language should clearly reflect that specific intent. Our concern, quite frankly, is that this section will be manipulated by the Department of Interior to pad its own budget for purposes which may or may not be, related to education. At this time we simply do not know what kinds of entities will be established "pursuant to the Comprehensive Indian Education Act." Perhaps it makes some sense to delete this provision for the time being.

Section 401 (6) involves the Secretary of Interior in enforcing wage-rates of local laborers. Although we do not take exception to the apparent purpose of this section, we question whether it is necessary. We believe the Secretary already has the authority which this section purports to give him.

We hope that these observations may be of some assistance to you and the committee.

Sincerely,

DANIEL M. ROSENFELT,
Senior Staff Attorney.

Senator METCALF. Governor Tafoya, we are delighted to hear from you.

Mr. TAFOYA. I have a short statement here, Mr. Chairman.

Mr. Chairman and members of the committee, with my deep respect I wish to express our concern over Senate Bill 2724 and in support of the All Indian Pueblo Councils statements.

My name is Paul Tafoya, Governor of Santa Clara Indian Pueblo of New Mexico.

For years, the Bureau of Indian Affairs proposed to improve the educational deficiency suffered by our Pueblo Indian people; perhaps, the Indian involvement was discouraged by a great many Pueblo Indian leaders who have the misconception that to educate the Indian means to terminate the Indian from its way of life and eventually destroy the culture. Today, the various Indian tribes across the nation are asking whether to accept or reject Senate Bill 2724.

We, the Santa Clara Tribal and other Pueblo Council do not support the full concept of the "Comprehensive Indian Education Bill" as presented.

I will direct my statements to Title I only.

Senator METCALF. Do you support the views of the National Tribal Council as given yesterday?

Mr. TAFOYA. We do, sir.

We will support a national board of regents for Indian education. If it is created within the Bureau of Indian Affairs—although the bill itself proposes to remove Indian Education from the Bureau of Indian Affairs into an independent office within the Department of Interior.

We cannot see the full value of this board when in essence we want greater control over the bureau of Indian Affairs operated schools in the form of contracts from the BIA to tribes and what greater input can we gain in terms of community involvement since we now have our local advisory school boards active.

We cannot see how we can gain control over local public school districts when they operate under the jurisdication of public voters and State regulations.

Above all, we cannot see why we should remove 70 percent of the total Bureau of Indian Affairs allocations to create an independent educational agency and ultimately destroy the Bureau of Indian Affairs completely.

If a board of regents should be created within the Bureau of

Indian Affairs, then we propose that the election criteria formulated by the National Indian Tribal Chairman's Association be adopted.

Thank you.

We find that today, among the Pueblo Indians, that we can negotiate contracts with the Bureau of Indian Affairs. We certainly do not like to see the destruction of the Bureau of Indian Affairs.

I have had some real bad experiences—yes, I have—a number of bad experiences in dealing with the Bureau of Indian Affairs, but simply because perhaps maybe the communication between the tribe and the bureau wasn't as good as it is today.

I think today we can sit down and discuss our differences. So, we feel very strongly that perhaps the best approach that the Santa Clara tribal people can take at this time is to contract a BIA operating school now operating within the BIA schools in the Santa Clara Reservation.

We would like to expand into kindergarten and up to the eighth grade, so we can have a better understanding of the education of our Indian people.

I would like to enter a memorandum submitted from Mr. Leonard J. Delayo, Superintendnet of the Department of Education of New Mexico. This points out how the State Superintendent of Public Instruction feels about the Johnson-O'Malley program. (The text of the memorandum follows:)

> This is in reference to the Johnson-O'Malley lunches. During the school year we have encountered many problems with respect to the use of Johnson-O'Mally funds for school lunches.
>
> The reasons for this problem are many and varied. Some problems can be due to overreaction by members of our staff. In some instances, the problems have been compounded because the superintendent in the school has not made an effort to certify this under the U.S.D.A.
>
> I would be remiss to categorize all superintendents in this manner. Some have worked diligently and, of course, the few who have not have caused us many problems.
>
> The main source of our problem with the utilization of these funds has been the attitude of the BIA and the U.S. Department of Agriculture in attempting to phase out completely the use of Johnson-O'Malley funds for school lunches.
>
> In June, 1970, an agreement was signed with the USDA—BIA and the states. This agreement, in effect, stipulated a three-year phase out of Johnson-O'Malley funds for school lunches. This culminates to the point that no Johnson-O'Malley funds are to be expended for school lunches after the current school year.
>
> The signing of this agreement by the State Department of Education, in New Mexico, is inconsistent with our philosophy and should never have been signed.
>
> We have written a letter to the USDA stating that this agreement should not have been signed and that we do not agree with its terms.
>
> The official position of the New Mexico State Department of Education is that under a long-standing treaty with the Federal Government, all Johnson-O'Malley Indian students are entitled to a free lunch.
>
> We agree philosophically that any student who comes from a family which is able to pay for school lunches, should do so; however, we do not believe that the USDA and the BIA have a right to force the New Mexico State Department of Education to make this decision thereby breaking the confidence with the Indian people.
>
> If the Federal Government plans to break this treaty with the Indians, an official communique should come from the White House to this effect. Until this is done, our position will remain as outlined above. This position was

given to the BIA and USDA officials in Albuquerque last July and again last September.

The problem, then, is what should be done for the remainder of this school year? Again, I want to point out that if all superintendents at the local level had certified their Indian students for eligibility under USDA guidelines when school commenced last September, this problem would not exist now.

At this point our concerns are two-fold:

One, what will eventually happen to the utilization of Johnson-O'Malley funding for school lunches?

This question can only be settled through pressure which we plan to bring on USDA and the BIA through our congressional delegation. This will be done in conjunction with the Indian leadership in this state.

The State Superintendent stands ready to assist in this endeavor in any way possible.

Two, our immediate concern is, then, that Indian students participate in the school lunch program for the remainder of this school year. This problem will be solved as follows:

A, Mrs. Gretchen Plagge, Director, School Lunch Division, and Mr. James McLarry, Acting Director of Indian Education, of our staff will hand carry this letter to you and sit down with you and your administrative staff and will certify with you the eligibility of the Johnson-O'Malley students in your district. This will be done immediately.

At this point, we will accept the certification of the parents or of the local superintendents. If there is a question regarding this matter, Mrs. Plagge and Mr. McLarry are to call me immediately from your office. If it is determined by these two staff members that you have certifiable students for which you will not sign, then I personally will sign the certificate based on Mrs. Plagge's and Mr. McLarry's recommendation.

B, with this certification, those elibible will receive free and reduced price lunches by utilizing USDA funding.

C, Johnson-O'Malley funds will then be utilized to pay for the remainder of Johnson-O'Malley students' lunches where these students do not qualify under USDA regulations.

D, Johnson-O'Malley funds will continue to be utilized to pay the parental cost of reduced price lunches.

E, a question has arisen as to whether the total Indian enrollment in your district is elibible to participate as outlined in the guidelines above. If you have claimed lunches this current year for your total Indian enrollment, continue to follow this procedure. If you have not, then that procedure should be followed.

F, our analysis indicates that sufficient Johnson-O'Malley funding is available to carry out this procedure, if not, school districts are then to utilize additional resources which will become available to you under Public Law 874 to pay for these lunches. It is my feeling that your district, in most instances, receives funding from PL 874 because of the Indian population, therefore it is conceivable that these funds be utilized for this purpose.

As soon as a decision is made relative to school lunches for the 1972-73 school year, we will notify your office.

Mr. TAFOYA. Today we find ourselves in the State of New Mexico, if we cannot organize ourselves into a State board of Indian education, then we perceive we must contract individually to implement the Johnson-O'Malley program.

I think the Indian people in the State of New Mexico strongly support the idea of organizing a State department of Indian education.

Senator METCALF. Mr. Atencio?

Mr. ATENCIO. I cannot overemphasize the importance of this letter be just read concerning the hot lunch programs. It is affecting our Indian children today, and it is going to affect many thoughout the country because of mistakes.

I think this is a thing that we are trying to overcome by stressing local control and equal control and the involvement of Indian people themselves.

Senator Metcalf. Senator Anderson?

Senator Anderson. No questions.

Senator Metcalf. I think all of your individual statements will be most helpful to the committee.

The school lunch problem is, of course, one of the very important problems with which we deal. It comes under different appropriations than some of the others, so again it would seem to me that points up the need for legislation such as this, to bring together some of the Indian bodies and control various Indian needs under one central group, controlled by the Indians themselves.

Title I has been under attack the last 2 days by various Indian groups, and, of course, as you know, our legislative process is merely the introduction of legislation in hearings.

The purpose of the hearings is to find out how the people affected will react to the legislation. We are not wedded to any language or any proposition or any specific proposal. The criticism that has come in from the tribal chairman and the Northwest Tribes and your group and the Navajos and so forth will certainly be very carefully considered and be important in our consideration.

Mr. Atencio. Mr. Chairman, I think the main goal and concern of our people, as you can see between ourselves here, is not in full support of the concept either. However, there are areas we are concerned with.

I think the main thing the Congress ought to assure us is that no trust relationship will be weakened within the Bureau of Indian Affairs, in the Indian relationship. This is our main concern.

Senator Metcalf. I think I can speak for the Chairman of the Committee, Senator Jackson, and for the Chairman of the Subcommittee, Senator McGovern, and for every member of the committee, ttha we do not wish to violate any of the trust relationships or defeat any of the ongoing programs that have been beneficial to the Indian people by the passage of this or any other legislation.

Your concern and criticism is very much appreciated by the committee.

Mr. Atencio. May I also say it is good to see Senator Anderson sitting here with us today. I have always missed him when I have come before. He is always tied up with other work.

Mr. Tafoya. Last September the council met and we discussed the possibility of organizing in New Mexico the Indian education board. This leaves us with greater control at our level, and hopefully in the future we might see the formation of such an organization.

Senator Metcalf. Senator Anderson is in the same position as Senator Hansen and Senator Fannin. He is also an important member of the Finance Committee which is considering the amendment to the welfare act in executive session. He is a member of the Interior Committee, which is also meeting in joint session with the Public Works committee to adopt a joint national energy policy.

So, the committee is very honored to have Senator Anderson here this morning.

Mr. ATENCIO. We are looking forward to having him back in New Mexico next month. We are going to celebrate to honor him.

Senator METCALF. In honoring him, you are going to honor every Pueblo in New Mexico.

We have one further witness this morning, Mr. Dennis Banks, representing the American Indian Movement.

Is Mr. Banks here? I haven't seen him come in.

With Senator Anderson's permission, for not more than 5 minutes, we will hear Miss Loretta B. Ellis.

Will you come forward, Mrs. Ellis and give us a brief statement? Time is running out on us and you will be allowed to file any additional material you feel appropriate.

What is this GLITC?

STATEMENT OF LORETTA B. ELLIS, GREAT LAKES INTERTRIBAL COUNCIL, WISCONSIN

Mrs. ELLIS. That is Great Lakes Intertribal Council, from the State of Wisconsin.

Senator METCALF. Very well.

Mrs. ELLIS. Good afternoon.

My name is Loretta B. Ellis. I am Chairman of the Great Lakes Intertribal Council, Education Committee, which position I have had for the last 2 years.

I am also assistant director for other programs for all 10 reservations in the State of Wisconsin.

I do not have a prepared statement. There are several reasons for this. I was not assigned to appear here until last Friday, and I had to come through 10-foot snowdrifts to get here.

The Great Lakes committee is assigned 28 members, two from each in the State of Wisconsin, two from the terminate area, two representatives from the urban area of Milwaukee and one from the urban area of Superior, 28 Indian voting areas.

We have a legislative subcommittee which has been working on Senate bills 2724, 2842 and others over the last year. This subcommittee reports to the education committee, the education committee reports to Great Lakes Intertribal Council itself, and that is the ultimate. They do make the decisions, on our recommendations.

We are not funded whatsoever. There is great local participation from all of these people, grass roots, the Indian people are involved in their school district.

The importance of my testimony here is that on February 5 there was a four-State tribal leaders meeting in Michigan, where there were 159 participants of the four States, who took action unanimously to oppose in its entirety, reject in its entirety Senate bill 2724.

They took further action for Indian people to write redrafts of new legislation, all Indian imput.

On February 25, the education committee met in Minneapolis. There were approximately 100 people there. They took further action to support the four-State tribal leaders, to oppose in its entirety Senate bill 2724.

Indian people do support some of the ideas. It is the principle of the thing and they would like to redraft the entire thing, not amend it.

Subsequently, on March 3, the Great Lakes Intertribal Council, Inc., met and took action to send me here to these hearings. Subsequently, I am here, and thank you very much, Senator and members.

Senator **Metcalf.** Now we are impressed, of course, by the action of four States' tribal leaders in opposition to S. 2724, and, of course, the committee will be privileged to have you present your suggested redraft of the legislation.

I have heard all of the witnesses, and while there have been several alternatives suggested to Title I, we have not had much opposition to the remainder of 2724, so we would be pleased to have both your criticism of Title II, III and so forth, but we would also be pleased and privileged to have the redraft.

Now, how soon do you think you can get together on your proposed legislation?

Mrs. **Ellis.** I cannot be committed to a date right now, because I am in the process of coordinating this. They had asked me to coordinate this nationally, however being not funded and with the time limitations, it has not been possible to come up with some kind of redraft.

Senator **Metcalf.** The reason I asked is there is some urgency in this legislation and we would like to have you proceed as quickly as possible so that we could go forward with it.

I am certain that the committee would be desirous to withhold any action at all until we had further suggestions from you.

I think that both your representation of the Great Lakes Tribal Council and four Great Lakes States who are interested in Indian education and welfare, certainly warrants the facts that you will be heard, your views will be given careful consideration and you should present us with your drafts.

Are your Indian members of the National Tribal Chairmen's Organization?

Mrs. **Ellis.** Some of the tribes are, and many of the tribes also belong to the National Congress of American Indians.

Senator **Metcalf.** So, you did have a chance to participate in representation and discussion before those two organizations that testified yesterday?

Mrs. **Ellis.** I am not really familiar. I just received the testimony of the National Congress of American Indians a matter of minutes before I arrived here.

Senator **Metcalf.** Mr. Ducheneaux presented that testimony, and Mr. Chino presented the testimony on behalf of the National Tribal Chairman's association, and he was accompanied by Mr. Youpee, an old friend of mine from the Fort Peck Reservation in Montana.

I urge you to proceed as quickly as possible to present us with your criticisms and any legislation you can redraft, and it certainly will be given careful consideration by the committee.

Mrs. **Ellis.** I assure you, Senator, that we will proceed as rapidly as possible.

Senator **Metcalf.** Thank you for your appearance here this morning.

Mrs. **Ellis.** Thank you very much.

Senator **Metcalf.** Unless there is further matter to come before this committee, this State of New Mexico Department of Education petition will be incorporated in the record, and we will be in recess, subject to the call of the Chair.

(Whereupon, at 12:25 p.m., the hearing was recessed, to reconvene at the call of the Chair.)

APPENDIXES

(Under authority previously granted, the following statements and communications were ordered printed:)

Appendix A

Material submitted by the Departments, including answers to questions by the Committee.

CHRONOLOGY OF THE BIA'S EFFORT TO INCREASE THE SPECIAL EDUCATION PROGRAMS FOR INDIAN STUDENTS IN FEDERALLY OPERATED SCHOOLS

SPECIAL EDUCATION

In addition to having a specialist in special education serving in the Central and some Area Offices, approximately 60 Bureau schools had special education classrooms and programs. The majority of these programs are funded with ESEA Title monies. The need in this education area is tremendous. It is estimated that 9,000 of the more than 50,000 students in BIA schools are in need of some type of special education services. Bureau education programs are funded on the basis of a teacher-pupil ratio of 1:30. Special education programs commonly require a ratio of 1:10. Additional classroom space, equipment, teachers, and aides are required. The experience of the BIA has shown, as has the experience of the school systems in 50 States, that education special education programs can be provided only through categorical funding for that purpose. A support paper was prepared in February 1972 for categorical funding for special education services in BIA for FY 1974. This support paper refers to services which have been provided since 1968, including the following:

1968-69—Project COPE at Phoenix Indian School.

1969-70—Project ASSET and PISCES, also at Phoenix Indian School, project IN-SLIP at Intermountain, and project MESA at Wahpeton, Project Pre-Set, a teacher-training program, begun at Kalamazoo University during the summer of 1969.

1970-71—Project MASTER—Muskogee Area, project CONCHO—Anadarko Area.

1971-72—Special developmental projects throughout the BIA, including programs at 23 separate schools on the Navajo Reservation, funded through ESEA Title I. Services such as the above have been helpful to Indian students with special needs and are continuing to be helpful. However, due to the nature of the temporary funding of ESEA Title programs, it is sometimes difficult to obtain and hold the qualified staff needed. Also, adequate facilities cannot be constructed for programs operated under temporary funding. Furthermore, there has not been enough of such temporary funds available to provide services for all students with special needs.

PLANNING PHASE

1964-1966—The Shiprock Project.

1966-1967—Programs at Aneth and Crownpoint, Plus Two-Week Navajo Area Special Education Workshop at Shiprock.

1967-1968—Continuation of Projects at Aneth, Crownpoint, Etc.

1968-1969—Project COPE at Phoenix Indian School.

1969-1970—Project ASSET and Project P.I.S.C.E.S. at Phoenix, Project IN-SLIP at Intermountain, and Project MESA at Wahpeton. Project PRE-SET began at Kalamazoo during Summer of 1969.

1970-1971—Project MASTER in Muskogee Area, and Project CONCHO in Anadarko Area.

1971–1972—Special Education Developmental Projects Throughout BIA, Including Programs at 23 Separate Schools on the Navajo Reservation Funded Through ESEA Title I.

1972–1973—Continuation of Developmental Projects Throughout BIA in Anticipation of Categorical Funding for FY 1974.

1973–74—Operational Special Education Programs Through Categorical Funding in Regular Budget.

QUESTIONS SUBMITTED TO THE DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS, AND THEIR RESPONSES

Question: Section 109 requires that the annual report from the Board of Regents to the Congress be submitted first to the Secretary of the Interior and the Secretary of HEW for their review. It has been suggested that if the Board is to be independent, it ought to send its report directly to Congress. Can you suggest any compelling reasons why the report should go to the Cabinet officers first?

Answer: The request by several witnesses to require the Board of Regents to submit its annual report directly to the Congress rather than to the Departments of Interior and HEW is in line with many tribal groups' basic desire for greater control of their affairs at all levels. It is the feeling of some that to submit their annual report for review to the above mentioned departments would increase the chances for greater departmental influence.

The Department does not feel, however, that the language of Section 109 would give the Department undue control over the contents of the Board's annual reports. It does give the Department an opportunity to "review and comment" on the Board's reports. Additional comments would not delete portions of any report but would be "attached to the report when transmitted to the Congress." The Department, therefore, does not see any compelling reasons why the reports should go to the Cabinet officers first.

Question: Are you concerned about Section 115, which gives the Board of Regents the right to dispose of Federal property it may possess? Do you believe this procedure would conform to the Surplus Property Act?

Answer: If S. 2724 passes with Section 115 intact, the Bureau of Indian Affairs would have no real concern about Section 115. Section 115 would conform with the Surplus Property Act where surplus property is concerned. Indian school boards are legal recipients of the Surplus Property Act. The scope of Section 115, however, is much broader and is concerned with more than surplus property. In addition to acquiring and disposing of property, the Board would be authorized to transfer property (not surplus property) to Indian school boards. The BIA also abides by the Federal Property and Administrative Services Act of 1949 (as amended). This act would affect Section 115 more than the Surplus Property Act, an act with elaborate procedures yet very limited in scope. The Federal Property and Administrative Services Act makes no specific provisions for the transfer of property to Indian school boards. This act may need to be amended in this respect.

Question: Recognizing and dismissing, for the sake of this question, your stated objection to the Board of Regents, do you foresee any administrative or legal difficulties in locating a partially independent Board of Regents within the Department of the Interior?

Answer: Given the type of difficulties, i.e., partial disruption of service, that can arise during any transfer, the BIA does not foresee any administrative or legal difficulties in locating a partially independent Board of Regents within the Department of the Interior.

Question: Are there any other agencies in the Department of the Interior which presently have independent status similar to that contemplated for the Board of Regents?

Answer: The Department of Interior presently does not have an autonomous or independent agency that is, in name only, under the umbrella of the Department of the Interior.

Question: Are you satisfied with the language of Section 101 and 102, or do you think additional language needs to be added to clarify the relationship between the Department of the Interior and the Board of Regents?

Answer: Section 101 establishes an agency to be known as the National Board of Regents for Indian Education within the Department of the Interior. This section is amply stated. Section 102 identifies the role of the Board of Regents, i.e., 1) to establish, work with, and assist Indian communities; and

2) to provide direction, leadership, and an organizational framework to mobilize educational resources toward the development of a national Indian education program. Section 107 charges the Board with several responsibilities, one of which authorizes the Board to establish goals and objectives for a national Indian education program. Both sections infer that the Board is to be a policymaking board as opposed to an operating board. There seems to be some confusion relative to the concept of an operating board and a policymaking board as evidenced by statements of several witnesses at the recent hearings. Some witnesses felt that the Board could not "operate" the present Federal school system from a distance. Others were concerned about the Board meeting several times a year and called for more frequent meetings or full-time employment. It might be well to clearly state that the Board is to be a policymaking board with its executive director implementing the policy of the Board on a day-to-day basis.

Question: This question concerns the language in Section 202(b). Do you believe it would be possible to interpret this section as requiring the local educational agencies which are going to be set up under this act to function for 3 years before they can receive any of the funds from the regular appropriation, as opposed to receiving funds from the 5 percent additional appropriation?

Answer: Yes. Section 202(b) basically states that in addition to sums appropriated for grants to local educational agencies, there is authorized to be appropriated an amount not in excess of 5 per centrum of the amount appropriated for the purpose of enabling the Commissioner of Education to provide financial assistance to schools on or near reservations which are not LEA's or have not been LEA's for more than 3 years. This section infers that the additional 5 per centum is authorized to provide financial assistance to schools that would not qualify for regularly appropriated funds because they had not been LEA's for the required 3 years.

Question: How many schools currently fall into the category that would make them eligible to receive funds under Section 292(b)? What proportion of total Indian students do these schools educate?

Answer: Since Title II of S. 2724 does not contain a Section 292(b), we are assuming that this question is a continuation of the previous question relating to Section 202(b).

Section 107(i) authorizes and directs the Board of Regents to devise and implement procedures for establishing new local Indian school boards that will assume control and operation of federally supported education programs. Section 501(c)(2) states that the term "local education agency" as used in this act means a local Indian school board which has administration and control of elementary and secondary schools operated, on or near such reservations, for Indian children; and is a nonprofit institution or organization of the Indian tribe concerned; and which is approved by the Secretary of the Interior or the Board of Regents as a contractor or grantee for the purpose of receiving Federal funds. Those schools, therefore, presently operated by the BIA (ultimately operating under the auspices of the Board of Regents) would be eligible to receive funds appropriated under Part A of Title II.

Several local Indian communities or tribal groups are contemplating or requesting to control or operate their own schools. At the present time the BIA has entered into contracts with eight local Indian groups, and has five additional requests for FY 73. The approximate number of Indian students in these schools are 1,191 and 1,731, respectively. If S. 2724 were enacted, however, it is conceivable that several more Indian communities would consider taking over the control and operation of their schools. The approximate number is hard to determine but could easily double or triple our present request for contracting.

Question: In Section 202(b), is the 5 percent additional appropriation going to be adequate?

Answer: In light of the above question, the first year may overtax the 5 percent additional appropriation. Part A has no specific amount appropriated. The regular appropriation is to be determined by the formula contained in 202(a). It is, therefore, difficult to determine the amount 5 percent will entail.

Question: Under Section 211(a), the Deputy Commissioner of Indian Education in the Office of Education is to be appointed from a list of nominees submitted by the Board of Regents. Do you believe that is proper?

Answer: Yes. In addition to submitting nominees who would readily come to mind, the Board would undoubtedly submit names of individuals who the Indian "community" would request to have submitted.

Note: The Subcommittee submitted a group of some 34 questions, with sub-questions, dealing with program plans discussed by Mr. Charles Zellers with the Senate Subcommittee in 1969, the library/media center situation in BIA schools, utilization of educational technology and other matters. Rather than answer these questions individually, with many of them overlapping, we have grouped questions and responded to them in narrative form. We believe that the information requested has been supplied. If further information is desired, please let us know.

Mr. Zellers' Statement to the Senate Subcommittee:

A series of some 34 questions are introduced by a reference to a statement made in 1969 by Charles N. Zellers, former Associate Commissioner, BIA, before the Senate Subcommittee on Indian Education. Subsequent references are made in these questions to program plans outlined by Mr. Zellers in this statement.

The basic question being asked, it seems to us, is: Have you accomplished this program and if not, why not?

We have not achieved the ambitious goals set forth by Mr. Zellers; we have, at best, made only small beginnings toward them. At least two reasons may be set forth:

1. In his statement, Mr. Zellers spoke of both his plans and the resources that would be needed to translate the plans to reality. His plan for a model day school for 500 students, for example, would require a staff increase of 68 persons added to the then typical staffing pattern for a school of such size. For a boarding school of the same size, the increase would be 85 persons.

Regarding funding, Mr. Zellers said: "In summary, our current approximate costs to maintain a day school program for 500 Indian boys and girls is $386,658. In actuality, we need a program that will require three times as much, namely $1,167,686. Similarly, in our boarding schools, we currently expend somewhere near $755,817 for 500 students, while we should be spending some $1,775,880.

"Obviously, the aforementioned costs, since they are operational and recurring, disallow the inclusion of construction and basal equipment. In addition to school plant construction, the building costs must make provision for housing for all staff servicing that school."

As you know, such resources have not been made available to the Bureau. There have been increases in the funding of education programs, but for the greater part, these have been required to meet inflationary rises in the costs of operations.

2. Mr. Zellers, in his statement, established no time schedule for the achievement of his goals. He did speak about the many complexities and problems to be faced in the education of Indian children and said, "We have a long way to go."

It is extremely dubious that he could have expected, given all that he said was needed, to have achieved more than substantial beginnings toward his goals by 1972. The transformation of an educational system requires time as well as money and talented personnel.

Library/Media Service

The area of library (media) service in the BIA schools has received special attention within the Bureau since at least 1963. At that time Mr. Vic Hill, legislative liaison officer who acted also as budget officer, proposed drastic upgrading of library facilities. In 1968, the Departmental Librarian, Mr. Erik Bromberg, approached the then Associate Commissioner for Education, Mr. Charles Zellers, in the company of Mr. Hill, with further proposals for improvement. The proposals were not given the necessary priority.

However, with the change of administration an Acting Director of Education Programs, Miss Wilma Victor, at the urging of Mr. Bromberg, authorized a statistical study of the library situation in Bureau schools. The study began in late 1970 and final statistics were compiled in mid-1971. In the meantime, the Chairman of the Appropriations Subcommittee of the House for the Interior Department, Mrs. Julia Butler Hansen, was approached on this problem and became greatly interested in it. In the 1972 budget hearings of both the Bureau of Indian Affairs and the Office of the Secretary she questioned witnesses closely on the adequacy of library services. She asked the Office of the Secretary to come up with a proposal by which the Office of the Secretary (i.e., Departmental Library) working in conjunction with the Bureau of Indian Affairs, could improve the status of Indian school libraries.

A statement was prepared by the two offices and appears in the record.

Simultaneously BIA began to plan for stepped-up operations. Plans were made to make media service a line item in the 1974 internal BIA budget. This is meant to emphasize to school administrators within the Bureau the importance the BIA places in media services.

At this time the Departmental Librarian was approached regarding the possibility of his making a study of methods of optimizing Indian school library media services. Mr. Bromberg agreed, left his post, began work in January of this year on the assignment. In September of 1972 he will produce for the Bureau a generalized set of recommendations, guidelines, and standards. These are being worked out in consultations with experts in State offices, universities, and working libraries. They are expected to produce an entirely new structure for the administration and application of media services in the BIA schools.

This will entail the delineation of new concepts in bringing administrators and faculty into fuller knowledge of the advantages and possibilities of use of media. New training methodology will be proposed. Staffing of school media centers will be a special area of concern as will be methods of bringing the services of trained media personnel to widely scattered small schools. Recommendations will be made on consolidated selection and acquisition services so that schools will be alerted to all pertinent material and will receive those desired both expediously and economically.

Special stress will be placed on the integration of the curriculum and media services so that new and revised materials, both print and non-print, will be constantly absorbed into the program.

As the initiation of this program, outlined above, would indicate, the Bureau recognizes serious deficiencies in its library/media services and has begun corrective measures. The library survey which you asked about (enclosed) will, we believe, provide answers for many of your specific questions. This survey was taken as a preliminary step in planning for improvements.

Since 1968 the Bureau has improved library services through the purchase of materials (print and non-print) within the funding limitations. It has also provided some training and technical assistance to staff in the organization and operation of school libraries. This includes nine library/media workshops, assistance in the design of seven instructional materials centers, training of paraprofessionals as library/media aides, the development of bookmobile programs in tow Areas, the stablishement of air mail library services for the rural schools of the Bethel, Alaska, Agency, and the production and distribution of 2,500 copies of a bibliography of books about Indian peoples.

At the present time there are no libraries in the BIA school system that meet ALA/NEA standards. Probably not more than 10-15 percent of the school libraries in the United States do meet these very high standards, according to a statement of Mary Helen Mahar of the Office of Education, Health, Education and Welfare. Three school libraries that come close to these standards are the Phoenix Indian School, Phoenix, Arizona; Intermountain School, Brigham City, utah; and the Chuska Elementary school, Tohatchi, New Mexico.

Mr. Erik Bromberg, the Departmental Librarian, advises the Central Office on library/media programs bureauwide. Mr. Bromberg is now detailed to the Field Services Office in Albuquerque, New Mexico. There are also three library/media specialists on the staff of the Instructional Services Center at Brigham City, Utah. The Director of Education Programs has met frequently with Mr. Bromberg in the past year.

Regarding the training of Indians to serve as paraprofessionals in the library/media field and in other fields, the Bureau has some excellent career opportunity programs worked out with various universities, which enable instructional aides and library aides to receive a college degree in as little as four years while still continuing in their work and receiving a full salary. The Higher Education Assistance program, of course, helps Indian students to acquire professional status in many fields. Included under this program is a special intern program in education, and Indian lawyers' program, and a post-graduate program for training in education administration. The National Indian Training Center at Brigham City, Utah, also offers a variety of workshops and mini-courses.

At the present time the purchasing of library materials is not centralized.

Educational Technology

The McMurrin report cited in your questions includes this statement (page 6): "Examining the impact of technology on American education in 1969 is like examining the impact of the automobile on American life when the Model T Ford first came on the market." Together with most of the rest of the educational world, Bureau schools are very much in the Model T stage in the utilization of educational technology.

This report speaks at length about the problems, difficulties, inadequacies, and needs of educational technology at the present time while looking also to the promise of the future. In the report's brief section on American Indians (page 96), the concluding paragraph reads as follows:

"The educational needs of American Indians are not too different from those of other minority groups: more and better teachers; teachers who understand and respect them; a curriculum which is relevant to Indian life, history and culture. But perhaps most pressing is the Indians' need for active participation in their children's education and control over their own schools."

These needs the Bureau is actively trying to meet. Indian participation in Indian education has accelerated greatly in the past few years. Local Indian groups have begun to take over control of schools and school programs under contract agreements with the Bureau. The development of curriculum which is relevant to Indian life, history, and culture is being worked at through our Cultural Studies Center directed by Mr. Dave Warren, and by other specialists in Area Offices and the Central Office. An example of progress, admittedly small, is the beginning of bilingual programs in three Areas. The employment of more and better teachers who understand and respect the children is made difficult because of employment ceilings and funding limitations -- and in some ways by Civil Service requirements. Career Opportunity Programs and the Higher Education Assistance program will hopefully bring us an increasing supply of Indian teachers.

To encourage the use of new educational techniques and materials, the Bureau has conducted four bureauwide workshops in the past year on innovations and new trends in education with on-site follow-up assistance provided by specialists from the Instructional Service Center, the Area Offices, and the Central Office. The Area Offices also have workshops of various kinds as part of the regular in-service training.

Concerning equipment, the Bureau schools are reasonably well supplied with most of the materials in common use in American schools--projectors, film strips, etc. Many of the schools have reading laboratories and other more sophisticated equipment also, but usually not enough to serve the entire student enrollment.

The "newly created Service Center" mentioned by Mr. Zellers was begun in 1968. It is called the Instructional Service Center and is presently located at Brigham City, Utah. The Bureau has provided funding support of $2,142,000 to this Center in the four-year period, 1969-72. We have no plans to develop more such centers at this time. The Center complements and assists Area specialists in providing local services.

Special Education

In addition to having a specialist in special education serving in the Central and some Area Offices, approximately 60 Bureau schools had special education classrooms and programs. The majority of these programs are funded with ESEA Title monies. The need in this education area is tremendous. It is estimated that 9,000 of the more than 50,000 students in BIA schools are in need of some type of special education services. Bureau education programs are funded on the basis of a teacher-pupil ratio of 1:30. Special education programs commonly require a ratio of 1:10. Additional classroom space, equipment, teachers, and aides are required. The experience of the BIA has shown, as has the experience of the school systems in 50 States, that special education programs can be provided only through categorical funding for that purpose. A support paper was prepared in February 1972 for categorical funding for special education services in BIA for FY 1974. This support paper refers to services which have been provided since 1968, including the following:

1968-69 Project COPE at Phoenix Indian School;

1969-70 Project ASSET and FOCUS, also at Phoenix Indian School,
Project IN-SLIP at Intermountain, and
Project MESA at Wahpeton, Project Pre-Set, a teacher-training program, begun at Kalamazoo University during the summer of 1969;

1970-71 Project MASTER - Muskogee Area
Project CONCHO - Anadarko Area;

1971-72 Special developmental projects throughout the BIA, including programs at 23 separate schools on the Navajo Reservation, funded through ESEA Title I.

Services such as the above have been helpful to Indian students with special needs and are continuing to be helpful. However, due to the nature of the temporary funding of ESEA Title programs, it is sometimes difficult to obtain and hold the qualified staff needed. Also, adequate facilities cannot be constructe for programs operated under temporary funding. Furthermore, there has not been enough of such temporary funds available to provide services for all students with special needs.

Title II Funds

There has been no failure to utilize Title II funds in the Navajo and Aberdeen Areas, as indicated in your comment. In Fiscal Year 1969, the Aberdeen Area returned $171.80 out of an allocation of $9,000; the Area has returned nothing in Fiscal Years 1970, '71, and '72 from allocations totaling $42,000.

The Navajo Area in Fiscal Year 1969 overspent its allocation of $20,000 by $533.16. Nothing has been returned from this Area from funds received for Fiscal Year 1970,1971, or 1972.

Bureauwide Film Library

We are not aware of "numerous complaints" about the services of the film library. In the past year the library supplied films to meet some 40,000 requests. The library has 1,200 titles available and approximately 6,000 films. The catalog and instructions to film users asks for a minimum advance notice of three weeks. Obviously, there are times when requests cannot be filled for specific dates because all available copies of the film requested have been previously booked. This, however, is the exception rather than the rule. Decentralization of the library to place the films closer to the schools would greatly increase costs and/or reduce the quality of service.

Duplication of Film Production Units

The Bureau has one small film production unit, located at Brigham City, Utah. For the most part, it produces training films for Bureau personnel and Indian peoples. There is no other unit, existing or contemplated, involved in film production or the training of students in film production. There is no duplication of expensive equipment.

Teacher Orientation

All of the Areas which operate Federal schools provide orientation programs for teachers to acquaint "the teacher with the history and traditions of the people she serves." These brief programs vary in quality and at best are inadequate. They cannot be equated with the "large-scale program" mentioned by Mr. Zellers. For a description of the orientation program in the Navajo Area, see page 4 in Education Dialogue attached.

Mathematics and Science

Mr. Zellers' plans to develop programs in these fields "on a par with the best programs in the country" have not been implemented. Some Bureau schools have good, innovative math programs developed through Title I funds. Science programs are generally weak and poorly equipped.

Production and Evaluation of Educational Materials

Not a great amount is done in the way of producing and distributing educational materials on a Bureauwide basis. Most of the materials used and needed in Bureau schools, and not commercially available, must be localized. Navajo materials, for example, are not commonly useful in the Dakotas or Alaska. Specialized materials for Indian education are more commonly produced at an Area level.

The evaluation of education materials is carried out at all levels--the individual school, Agency, Area, and Central Office. Central Office specialists in the various disciplines are particularly concerned with this important function. No attempt is made to produce uniformity in materials used; rather the emphasis is on tailoring the materials to the individual needs of the schools. The work of the specialists in the Field Services Office is closely coordinated, with a multi-discipline team approach being used. Language arts programs, for example cannot be isolated from the early childhood education programs, cultural concerns, dormitory care, the arts, and other programs.

BUREAU OF INDIAN AFFAIRS
Louis R. Bruce, Commissioner
James E. Hawkins, Director
of Education Programs

Education Dialogue

A FORUM FOR INDIAN EDUCATION PERSONNEL
FEBRUARY 1972

Open Classroom at Concho School

By Dr. Maybelle Hollingshead
and
Dr. Idella Lohmann

"Today I am going to draw," announced a boy as he rushed into the classroom and went straightway to the art center. "I must build a mail box for our letters," replied another. A third said he was going to work in the grocery store.

And so they come, eager and ready for fun and learning at a new kind of school in Concho.

What makes this a unique school? First of all, its truly child-centered curriculum sets it apart from the ordinary run of schools. Innovations run the gamut. If you can imagine one large room, carpeted from wall to wall in brightly colored vivid designs, functionally arranged to create a stimulating environment, completely equipped with learning tools from chalk to typewriters, you are in a good mental state to understand what happened to primary children at Concho Indian School this past summer, and what is now in progress.

The Concho School, located near El Reno, is among the first schools in Oklahoma to experiment with the "open classroom" concept.

The class is non-graded, of course. Instruction serves the five year old as well as the eight year old and all those in between because teachers tailor-make the learning activities to fit the needs and/or interests of each child. The spectrum of learning experiences, beginning with readiness activities, include exploration and discovery, problem-solving, the inquiry process, self-direction, and responsibility. A general atmosphere of excitement permeates this spacious, gaily colored room built purposely to implement the open classroom concept.

(This article is reprinted from ***The Oklahoma Teacher.*** *The program described was initiated during the summer of 1971 and is continuing in the present school year. Dr. Hollingshead, of the Department of Education, Oklahoma College of Liberal Arts, is director of the program. Dr. Lohmann is professor of Education at the Oklahoma State University.)*

Philosophy Makes Difference

The term "open classroom" has become a common expression among educators as a result of the British Primary Schools which have continued to increase in number in England since World War II. The major difference between an open classroom and the traditional type is the philosophy supporting the planning and implementation. Freedom to explore and discover as a means of concept development is reflective in the term "open." In an open classroom there is freedom to move about the room without the teacher's permission, opportunities to work with a buddy, and even sit on the floor to complete the task at hand, if it's more comfortable.

Not only is there freedom to choose an activity, but freedom to arrive at the finish line according to one's own speed. Perhaps an even more distinctive characteristic is the flexibility within the curriculum. What to learn, when to learn, and how to learn is a cooperative decision of the student and teacher. No bells ring, no "line-ups" are required, students have no desks and no assigned space. They live and learn in an informal, "family-type" climate, working at tables or relaxing on the floor depending on the nature of the activity.

The role of the teacher becomes that of helper rather than dictator, and children are given attention as individuals, not as a class. Respect and trust in each child is the basic principle on which the open school is founded. Certain assumptions are essential to this philosophy: children want to learn, they have individual styles of learning, learning is rooted in first hand experiences, and how they think is the most crucial factor.

American schools are rapidly accepting the open classroom concept, as manifested by existing programs from the rural areas of Vermont and North Dakota to the inner city schools of Philadelphia, Washington, Boston, and New York. Recently a number of Oklahoma schools have moved to this type of informal classroom organization which allows children to "push back the desks," choose what they want to learn, and achieve at a rate commensurate with maturity and innate ability. For the first time in their lives, some children are realizing that school is a place where one can learn many things and have fun at the same time.

Time to Explore

A day in an open classroom seems to be just the prescription for intellectual challenge and social interaction. Interest centers with their stimulating suggestions line the walls, fill the corners, and even spread out into the center of the room with the use of stand-up charts. A child has time to explore and make discoveries about himself. He may express his feelings in many ways through art and drama and he may converse with others without fear of being reprimanded. What fun to move from one center to another, listen to a story or music record, paint, draw, build, read, write, weave, or create a bead design. (Two areas were always occupied during the summer school; Concho General Store and the house-keeping area.)

And for the child who wants to rest or be alone, there is a "quiet corner." If a child has "had it" from his peers or a teacher, he can get away from it all and find a private spot in which to recover from his frustration and gain composure.

Many children find the two rocking chairs in the library center inviting. The library center is a relaxing place where children may select from a wide variety of reading materials. There are picture books, story books, magazines, adult's and children's newspapers, books by classic authors, paper back books, basal reader materials, reference books, and a film strip viewer for individuals or small groups to use. The area is large enough for children to sit around the teacher during story sharing periods. Study carrels are only a few feet away, but when one has a beautiful, soft rug, who needs a carrel?

Next to the library is the listening center with a record player, tape recorder, and a listening post with headsets. Tapes and records used for a variety of purposes are housed in this area. Also, there are records or tapes for the purpose of encouraging children to read along with the recording. Recordings to reinforce auditory discrimination and a variety of other teaching machines may be found in this center.

Typewriters, printing sets and chalkboards are among the wide variety of materials found in the writing center. Story starters, pictures, magazines, puzzles and games are only a few of the irresistible materials that children use when they visit this area.

The art center provides paints, brushes, paper of all types, clay, felt markers, and many other inviting media for the child's experiments and creations. There are plastic covers for the rugs, just in case a little paint is "misplaced."

The children's art work provides constant input for new experience stories and for other types of writing and reading materials. For example, one favorite activity during summer was to write or dictate how to make certain things, adding these pages to the THINGS TO MAKE book which was kept in the art center.

The carpentry center contains cardboard boxes, a workbench, and tools. Boys from older classes are particularly helpful in the construction activities in this center. Reluctant readers have a real purpose for reading as they follow the construction directions.

Objects from the Real World

The science center containing many of the objects from the real world is carefully designed to encourage observation and probing. Magnifying glasses, animals, an aquarium, and plants are just a few of the items provided. Materials to make folders and books are available. Children may write or illustrate their discoveries and observations. Easy access to science magazines and books which contain needed information makes this a popular spot. Classifying shells and other objects calls for research, labeling, and mounting.

The dramatization center (playhouse) has unlimited possibilities. Often it is designed to follow a particular unit of interest. The puppets, dress-up clothes, dishes, stove, and a full length mirror are among the objects. This center can be changed to represent a house, a kitchen, a school, a store, or any number of interesting settings. Frequently, the teacher records the dialogue that occurs in this center, writes it on dialogue balloons as in the comic strips, and uses it for reading purposes. Can you think of a better way to help the child realize that print is just speech written down?

The blocks and games center also has endless possibilities. It contains blocks, puzzles, and many of the commercial and teacher-made games of language and logic. Here the children learn to share and solve problems as they work with other children. The value of this center also depends upon the teacher's careful diagnosis of a child's needs and upon careful planning with the child so that he is able to select materials that are designed to help him in skill development.

The math center is full of manipulatory materials for teaching a variety of mathematical concepts. Mathematical concepts are not limited to the math center, however. Liquid measurement concepts are often taught in the kitchen center as the children read and follow a recipe. Linear measurement is learned as the children measure and build in the carpentry center.

Time and seasonal concepts are developed in their natural place in the natural setting, the science center. Concepts about money can be learned as the children add up their grocery bills or as they play the role of clerk in the store.

Teachers and aides find time to listen to children, take dictation, help them write, construct, and manipulate machines, and are available for reading aloud to children. Frequently they accompany small groups of children on walks outside the classroom to explore the outside. For example, some of the children took cameras and a tape recorder on a walk to a nearby pond. Words like camera, turtles, and cattails had significance as a result of this nature walk. Later the children dictated or wrote (depending upon their level of development) and illustrated their own booklets called "Camera Walk." New vocabulary words were added to "Words We Know" pocket chart. These words became springboards to phonic generalizations.

After the entire roll of film had been shot, a resource person (a local photographer) was invited to explain how to develop and print their own pictures. Words like fluids, chemicals, darkroom, fuzzy, and double exposure become particularly meaningful. Can you imagine finding words like these in a first, second, or third grade reader?

Students as Teachers

A visitor to the classroom might notice older children moving around the classroom helping small groups or individual children in solving their problems. He may also hear some of the teachers say that they are amazed at how well John helps because he has always seemed to have so much difficulty in school himself. Perhaps this type of role is even more beneficial to the tutor than his regular class work.

Primarily the reading and writing activities center around actual experiences. Basic to classroom procedure is the belief that language development occurs best when the child is actively involved in the functional use of language. Moffett said, "As the child becomes more and more involved in both the giving and taking of language he gathers momentum and accelerates his progress in all the areas of the language arts — listening, speaking, writing, and reading."[1]

As one moves about in this language-experience centered classroom, he notices that the role of the modern teacher has changed, and will probably agree with Eberle who said that the teacher is no longer a "sage on the stage" but rather a "guide on the side."[2]

Certainly, there is no shortage of materials and equipment. At the turn of the hand there is the resource needed, be it tape recorder, chart, educational game, carpentry materials and tools, mathematical and science equipment, library books, camera kits, band kits, typewriters, projectors, audio-video equipment and more.

The instructional program emerges from the direct study of the needs and abilities of the learners. What do these children need? First of all, most of them need self-confidence and assurance that they can achieve. In other words, they need to feel good about themselves.

To avoid a hit and miss approach to skill development, teachers plan and direct many lessons during the day based on needs evidenced by observation and diagnostic evaluations. Each child has an individual program tailored to fit his potential and motivation. Each child plans with a teacher his program for the day. He moves freely from one challenge to another, remaining until he finishes or becomes tired of it. His day is planned around his own interests and special activities suggested by the teachers to improve his reading, math, communication, and social skills. Needless to say, much team planning is required for such a program.

Indian Culture

Special attention is given to Indian culture, helping the children to understand and appreciate their heritage and historical backgrounds. During the summer term, the study of the Plains Indians provided a focal point for integrated learnings. Children representing the Cheyenne, Arapaho, Kiowa, Wichita, Comanche, Sioux, Ponca, Otoe, Caddo, Shawnee, Pawnee, Apache, and Delaware tribes heard and read Indian stories and legends, participated in the dances and handcraft and Indian Art, learned the history and folklore of the various tribes, and prepared Indian food. Resource people in the community taught them beadwork and basket weaving, dances, and doll making. They displayed costumes, and made fried bread which the children thoroughly enjoyed.

Dr. Maybelle Hollingshead, a professor in the Department of Education at Oklahoma College of Liberal Arts, was Director of the Open Classroom Summer Institute at Concho and continues to serve in that capacity. Dr. Bernard Belden, Director of the Reading Center, Oklahoma State University, was Assistant Director in charge of inservice training and curriculum during the summer. The teachers on the summer staff were Eva Cozad, Marilyn Flores, Marlene Gibson, Juliann Wharton, Marita Descher, and Judy Pusey. The aides were Nell Calloway and Rhonda Clayton. Mrs. Charles Clayton served as an assistant to Dr. Hollingshead.

Instrumental in getting the program underway were Mr. S. Gabe Paxton, Jr., Assistant Director, Bureau of Indian Affairs, Anadarko Area; Mr. C. O. Tillman, Superintendent of the School at Concho; Edward Clark, Jesse Hill, and Mary Penoi, BIA Project Coordinators; and William Glass, Recreational Coordinator.

The directors and teachers at Concho agreed at the outset that the most important single objective of the project was to develop self-confidence in the learner and help him raise his self-image to the degree that he sees himself as a worthy human being. Such a goal is not easily accomplished, especially in a few months. Surprising as it may seem, the objective has already been realized for many children in this school. Children, like flowers, thrive best with loving care and enrichment.

1. James Moffett. *A Student Centered Language Arts Curriculum, Grades K-13: A Handbook for Teachers.* Boston: Houghton Mifflin Company, 1968, p. 125.
2. Robert Eberle. "The Open Space School". *Clearing House Magazine*, Vol. 44, p. 24, September, 1969.

Phoenix Area Adopts New Approach to Sciences

The Science Curriculum Improvement Study program developed by Rand McNally and Company is now being used in the Phoenix Area elementary schools. The overall objective of the SCIS program is scientific literacy, a blend of knowledge, skills, and attitude. The program consists of two series of related and sequential units — one in life science and the other in physical science.

The six levels for the life science cover organisms, life cycles, populations, environments, communities, and ecosystems. For physical science the six levels are material objects, interaction and systems, subsystems and variables, relative position and motion, energy sources and models, electric and magnetic interactions.

Taking advantage of the curiosity of children, the program presents a wide variety of phenomena for classroom exploration and investigation. At each of the six levels numerous inquiry-oriented activities help children accumulate experiences and ideas which advance their thinking from the concrete to the abstract, and enable them to relate scientific concepts to the everyday world.

Three stages in a child's learning cycle are provided for. In exploration, the child explores the carefully chosen materials with minimal guidance from the teacher. In invention, the teacher supplies a definition and a term for a concept new to the child. In discovery, the child discovers a new application for a concept.

In the first year units observation, discrimination and accurate description are stressed. These objectives are accomplished as children care for aquatic plants and animals, raise seedlings and investigate the properties of a broad range of non-living objects. In the second year, change is the theme and the children in their laboratory work use magnets, batteries, wires, various chemicals, photographic paper, pulleys, electric motors, seeds, mealworms, frog eggs, and fruit flies. The other four units deal with increasingly complex phenomena.

Since in the program there are many "right" answers, the child develops a feeling of success which carries over into other areas. The diversity of materials and investigations also enriches his vocabulary and leads to growth of language skills.

Teacher Orientation; Navajo Style

Louise S. Bonnell

The orientation conducted each summer by the Navajo Area Division of Education for new Bureau of Indian Affairs personnel focuses attention on culture and teaching English as a second language. Veering away from the typical training program, the activity has acquired new dimensions worthy of note. As the title, "Teacher Orientation — Navajo Style" infers, the role and function of the Navajo people emerges from the supportive to featured positions.

Since the primary emphasis is directed on culture, the staff is comprised almost in its entirety of Navajo people. Those serving on the staff could be considered as a cross section of the Navajo population. Some of the Navajo leaders, brilliant and highly respected and revered for their knowledge in Navajo history, lore and general wisdom, serve as consultants, speakers or advisors. In some instances, these leaders do not speak English so the Navajo language is used as the medium of instruction with an interpreter.

A typical staff would also include bus drivers, instructional aides, food service workers and clerks as well as teachers, teacher supervisors, education specialists, and Agency superintendents. With such a hierarchy represented, talents and abilities are many. In fact, latent talents heretofore undetected by the possessor himself are sometimes identified and strengthened.

For the past three years, a pre-planning committee composed of Navajo people has met to analyze the effectiveness of previous programs and to plan for the succeeding one. They outline the content and select the people who are most capable for each assignment. Reference is so often made to the "reticent Indian" but, when singled out and recognized as an authority in a specific area, this statement is proved erroneous. It is an excellent example of "expectancy fulfillment."

One week prior to the actual program, the staff reports to the location selected for the activity. During this short period, the plans are reviewed, the rooms are decorated with Navajo designs and artifacts, and responsibilities are doled out (on a voluntary basis, of course).

Since there is seldom an equal representation from each Agency, the group selects a leader for each of the five Agencies and they, in turn, choose the members for their teams. No one minds if he is from Chinle Agency and working for Shiprock Agency. It's all a part of the game they are playing and the competitive spirit as each Agency strives for the most creative and attractive rooms remains undaunted.

As an emergency measure, a substitute is selected from the group to fill any void occurring on the program. There is no hesitancy when volunteers are called for. Each one has capabilities and is knowledgeable in several phases of his culture and he is willing to share his expertise with the new teachers.

"Navajo Day" has become ritualistic and each year something is added to improve the program. The mock wedding of last year was replaced with an actual traditional wedding this year. Prominent Navajo Tribal officials, members of the Inter-agency School Board and the Tribal Education Committee either served on panels or spoke to the group on various issues of concern.

All the Navajo crafts were demonstrated. This involved community people — many of whom neither spoke nor understood any English but were artisans of the highest caliber. They not only demonstrated their skills but attempted to teach some of the more eager observers.

A blessing ceremony opened the workshop and was conducted by a medicine woman accompanied by two staff members. The dignity of this service was most impressive and the beauty of the chant will long be remembered by those who attended this religious ceremony.

The Tribal Chairman, Vice-chairman and representatives from the various Tribal divisions appeared on the program and explained portions of the Tribal government. The Area Director, Assistant Area Director, representatives from the Central Office in Washington, D.C., as well as many other outstanding Bureau of Indian Affairs educators, shared their expertise with the group.

Consultants were employed to provide intensive training in teaching English as a second language to a small number of Navajo teachers. They, in turn, were used to demonstrate their skills for the orientees. This knowledge will be shared with other teachers upon returning to home base.

Another responsibility that was assumed by staff members on a daily basis was "Manager of the Day." It was the duty of this person to check all rooms, contact all program participants and, where necessary, advise the substitute that he was to replace a speaker. He was charged with the Information Desk and with making all decisions pertaining to the program for that day. Those who served in that capacity attested to the fact that it was a difficult job to perform.

Evening activities were on the agenda and once again the staff accepted more duties. They told stories, taught Navajo language, Navajo dances, showed films, sang songs or answered pertinent questions relating to culture.

This, then, is a teacher orientation — strictly Navajo style by a Navajo staff — a program that can never be surpassed unless better Navajos with better ideas can be found.

(Reprinted from the **Journal of American Indian Education.** *Mrs. Bonnell, Education Specialist, Window Rock, Arizona, is director of the annual orientation for the Navajo Area, Division of Education.)*

Pre-School Children Show Learning Progress

An early childhood education program, operated by the Devils Lake Sioux tribal education committee of the Fort Totten Agency, in North Dakota, is functioning well. A total of 112 three- and four-year-olds are enrolled, 48 at a center in Tokio and 64 at Fort Totten. Average daily attendance is about 70 percent.

Staff members reviewing the lesson and daily evaluation plans since the beginning of school find both group and individual progress. When the children first came to school, lessons were centered around activities to make the children feel comfortable and glad they were at school. Soon the activities were units such as "Who Am I?" and "I'm Glad I'm Me" (self-concept). As the children gained confidence and security, they progressed to participating in flannel board stories and manipulative activities. By mid-September most of them could correctly dress flannel figures and put together "people puzzles." By the end of September they could identify parts of the body, face, and articles of clothing.

Clothing served as a transition to lessons on color, shape, size, and position concepts. All four-year-olds can now match red, yellow, blue, and green. Most can match orange and brown. Most three-year-olds can now match colors. One four-year-old can now identify ten colors.

Another example of individual progress occurred at each center. In each location there was a child who would not speak, and who was reluctant to participate in activities. Now, both children are responding verbally to the adults and are usually willing to work with their groups. One of them has begun to sing, and the other will now offer an initial greeting.

All children have progressed from simple manipulation of crayons (scribbling) to attempts to stay within lines or draw something meaningful to them.

At each center a small group of four-year-olds has grown reliable enough to do an independent (no adult at the table) activity. Sometimes these activities are "free choice" and sometimes the materials are teacher chosen, but the child is given the freedom to express himself within the teacher chosen framework. As an evaluation of her own judgments about pupil progress, a teacher asked a group to draw "How You Feel Today." From this activity, she got an idea of the child's attitude toward himself, his manipulative development (crayon control), his willingness to cooperate and complete his task, his willingness to tell about his picture, and his reading readiness (the completeness of the picture). The pictures were much more detailed about the face than those drawn at the beginning of the year, but none of these children drew a complete person with head, body, arms, and legs. It was interesting to note that the quiet child drew her picture in yellow, and the changeable child used both orange and purple, drew in a smile, and then added a large purple tear.

One group of children, for whom singing seemed a new experience in the fall, now has a repertoire of seventeen songs, some of which are for fun and some of which also teach a little lesson.

Judged from evaluation by both parents and staff, the students are much more willing to talk. Most understand and can identify several position concepts, but a few still do not verbalize "beside."

Most students recognize their printed name and can match the letters to their names. One group noticed that three of them had names beginning with "B." This sparked a discussion of the sound "B" makes, and because they were interested in sounds, and had previously done work in sound discrimination at a basic level, they have begun work with the sounds given to letter symbols. It is hoped that these children will read simple words by spring.

Staff members can see from the daily lesson plans and evaluations, and from the individual profile assessments of each child that both intellectual and social growth has taken place.

Mothers who work in the centers have been asked to fill out evaluation sheets on the program and the progress they note between their work schedules. Since this type of evaluation has only begun, there is only a sampling of opinion, but **all** parents in this sample feel their own child shows progress, that the program is good preparation for later school experiences, and that community attitude toward the program is very good.

Special Class For Gifted Students At Many Farms

Many Farms Elementary Boarding School has instituted its first comprehensive program for gifted children. The class, composed of 18 students, from sixth through eighth grades, was designed to give the students the opportunity to develop their potentials fully. It also allows them full participation in planning and scheduling their day-to-day coursework.

The new program, because of its small class size, is tailored for individualized instruction. But more importantly, students in this program are largely responsible for defining their own needs, and they say how their needs should be met.

A student who feels his reading comprehension is not up to par with his potential, is free to work on this problem at his own rate. He is not pitted against the other students in the class; nor is he hampered by rigid scheduling. While he is trying to improve his reading understanding, others in the class might be working on science, math, or some other discipline.

Because the program is still in its beginning stage, it cannot be evaluated effectively at this point. However, those who worked to get it started are hopeful. They feel the students will be farther along on the academic ladder by the year's end than they would be had they remained in their regular classes.

Miss Patricia Teague, the director of the class, had this to say about the program: "It's so nice, and I enjoy working with the students individually and collectively." Then with a sigh, she added, "What has made me the happiest has been the way the students have learned self-discipline. When they finish with one thing, they go right to something else without being told."

The Many Farms School has also implemented the first math learning center on the Navajo Reservation and has an innovative music program designed to help students in beginning reading and mathematics. In this program, Mary Helen Richards' materials are used. They stress left to right coordination, recognition of symbols, group speech in a pleasant, relaxed situation, and other fundamental skills.

College Cooperates in Special Ed Program

When Dr. Lincoln Henry was named chairman of the education division at Black Hills State College, Spearfish, So. Dak., a year ago, he listed his number one priority as "better education through close cooperation between the college and the area schools."

Success of this goal is evident in several areas of the college's program, but one of the most impressive is BH's work with special education on the Pine Ridge Indian reservation. Roy Penttila, education program administrator at Pine Ridge, is emphatic in saying "yes" when asked if the special ed program is working.

Last September, BHSC's cooperative effort in special education was started on the reservation under Title III with John Osborne selected as director, meaning he would be an assistant professor at the Hills College, but stationed on the reservation. Under Penttila's guidance, the Federal program was written which established the special education section, and he asked BH's help "because we wanted the advice and consultation of Dr. Henry and Dr. Walter Hughes."

Penttila, a 35-year veteran of education in the Bureau of Indian Affairs, said the program is "just getting off the ground, but already the results are outstanding. To date, Osborne has identified and assisted 60 students who have learning disabilities."

The eight day schools on the reservation have a total enrollment of 2,800 students. Osborne estimates that more than 85 of them need learning assistance. His primary job is to work with the teachers who are instructing the slow learners. Unfortunately, he admits, a great deal of time is spent in traveling from school to school. A trip to the school at Wanblee is a 94-mile drive from Pine Ridge. "Despite distances, the job is getting done very well," Penttila said.

Osborne also distributes learning materials. Dr. Hughes was so impressed with the education materials being used he is in the process of adapting the list for use at BH in the special education program. It includes the Peabody language development kit, Bowmar books, the Sullivan program, language machine, kindergarten typewriters, math step-by-step kit, and others. Mrs. Mildred Sleep of the BH staff cooperated in compiling the list.

Penttila sums up Osborne's first three months as "successful. He is the best man for the job because of his background and his ability to work with teachers, students, and the advisory boards of the eight schools. His work, through BHSC, is meeting the need."

Five Schools Used As Demonstration Centers

Five BIA Schools located in four agencies on the Navajo Reservation are functioning as special demonstration and training centers in Early Childhood Education for Navajo children: Canoncito, New Mexico; Dilcon, Arizona; Kayenta, Arizona; Rock Ridge, Arizona; and Toecnepos, Arizona. The specifications of the program were developed by representatives from the BIA in Window Rock and Washington, the U.S. Office of Education under the Bureau of Educational Personnel Development, as well as by representatives of the Navajo Tribal Education Committee and officials of Northern Arizona University.

The program is designed to set up demonstration centers for children from kindergarten through second grade which will exemplify an open, exploratory-type learning environment, individualized and patterned to the needs of young Navajo children. Components for the demonstration centers will be drawn from learning experiences which are part of the programs at the Rough Rock Demonstration School and the Bank Street and Albuquerque Follow-Through Models as adapted to the unique needs of each demonstration center.

In general, these models operate on the premise that the child learns and develops toward his maximum potential when he is allowed to make choices, to explore, and to carry out meaningful transactions with his own community and culture. Such theorists as Piaget, Erickson, Dewey, and others, who have made great contributions to our understanding of how the young child learns and develops, are used as the basic guidelines for such programs.

Mt. Edgecumbe Staff Complete IDI Course

Superintendent Allan O. Crain and forty-two other BIA employees at Mt. Edgecumbe School, along with eight members of the Mt. Edgecumbe-Wrangell Institute School Board, have completed a forty-two hour training program entitled the Instructional Development Institute.

The Institute is an activity in seven phases designed to systematically provide tools, skills and assistance to teachers, administrators, policy makers and specialist in managing the learning environment by analyzing instructional problems and practical solutions.

The Institute experience included both large and small group activities. There were large group instructional settings for major presentations plus numerous small group sessions for more individualized discussion and interaction among participants.

Institute activities included simulations, games, opportunities to generate plans and materials on selected local problems and opportunities to analyze and evaluate both individual activities and the Institute program as a whole.

At the conclusion of the training program, participants were instructed to work with the small group to which they were assigned to implement the techniques learned from the Institute. The programs by the small groups will continue throughout the school year.

Dr. Norman Jensen, Mr. Roy Reese, Lee Fish and Dr. Paul Pearson, all from the Bureau of Indian Affairs Instructional Services Center in Brigham City, Utah, conducted the training program.

Tribe Administers Higher Ed Program

Administration of the BIA higher education assistance program for Navajo college students has been passed from the Bureau of Indian Affairs to the Navajo Tribe.

This year, some 1,600 Navajo students are attending college on Federal grants, totaling some $1.6 million. This amounts to about $1,000 per student.

The program will be under the supervision of the Navajo Tribal Higher Education Department in the newly-created Navajo Division of Education. Dennis Billie is director of this department. The Tribe's scholarship officer is Stanley Towne.

Ungraded at Pierre

An ungraded program of instruction has been installed at the Pierre Boarding School this year. All teachers have language arts and mathematics classes at the same hours and students grades 5-8 go to that class where they may receive the most help and will be working with other students who are achieving at somewhat the same level.

Bilingual Films

The BIA-produced film on the Bilingual Education Program in Alaska is now available with sound tracks in English, Eskimo (Yupik), and Navajo languages. Copies are available for loan from the Bureau's Film Service, P. O. Box 455, Brigham City, Utah, 84302.

Navajo Movie

The Navajo Curriculum Center of the San Juan School District, Blanding, Utah, has completed the first of a series of animated 16 mm movies of the Navajo Coyote Stories. It features a Navajo language sound track and the pranks and antics of Mr. Coyote and Mr. Toad. For further information write Box 425, Blanding, Utah.

Haskell Art Program

The Art Division of Haskell Indian Junior College has been expanded and now offers an Associate of Arts degree with majors in jewelry and silversmithing, ceramics, weaving, sculpture, painting, and design. Dr. Richard West, a well-known Indian artist, is head of the division.

Course on Innovations

A course on Innovations and New Trends in Education will be offered at the National Indian Training Center, Brigham City, Utah, March 16-18. This will be the fourth presentation of this program. The tuition of $75 will be paid by the Bureau for Indian participants who are not employees of Federal, State, or local governments.

Write NITC, Box 66, Brigham City, Utah, 84302, for further information.

Contracting Seminars

Inservice orientation seminars on Government Contract Principles with particular emphasis on educational contracts have been conducted by the Central Office Division of Legislation and Policy Development (Education), and the Division of Contracting Services (Administration). The session workshops have been conducted thus far involving Assistant Area Directors for Education, Area Contract Officers, Area Title I Coordinators, and the National Indian Education Advisory Committee. Future meetings are being planned for Area Johnson-O'Malley program coordinators and the National Tribal Chairmen Association.

PLEASE WRITE

Education Dialogue is meant to be a medium for the exchange of information among BIA Education personnel. Your ideas about Indian education, information about successful or innovative programs, queries, comments and suggestions are most welcome. Address mail to Vincent Lovett, Office of Education Programs, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

SUMMARY
VOLUMES, TITLES, BUDGET, CURRICULAR NEEDS MET

Area	Enrollment reported	Volumes	Titles	Curricular needs met			Budget	
				Yes		Schools	FY 1970	FY 1971
Aberdeen	9,500	81,856	73,240	8	of	23	22,321.70	37,317.50
Albuquerque	2,145	19,268	16,055	4	of	12	19,836.00	11,144.00
Anadarko	2,406	28,069	18,074	1	of	5	22,224.69	34,049.00
Billings	256	8,000	7,950	1	of	1	5,059.00	11,436.00
Juneau	4,288	36,017	28,161	11	of	35	18,154.75	6,834.47
Muskogee	706	4,025	4,800	1	of	3	3,851.00	2,600.00
Navajo								
Arizona	9,502	115,990	71,850	9	of	23	29,645.00	32,999.00
New Mexico	5,093	58,857	51,850	5	of	14	11,878.54	11,550.00
Utah	2,043	15,000	10,000	0	of	2	4,650.00	.00
Phoenix	4,301	54,080	45,521	8	of	16	22,560.94	34,720.00
Portland	758	9,500	9,000	1	of	1	150.00	7,000.00
Central Office	3,344	20,313	14,023	1	of	9	27,567.97	18,000.00
TOTAL	44,342	450,975	350,480	50	of	154	291,568.22	207,649.97

ALBUQUERQUE AREA

School	Enrollment Reported 70-71	Volumes	Titles	Meet Curricular needs of school	Library 70	Budget 71
Acomita	140	100	76	Yes	$401.00	-
Isleta	270	648	615	-	3119.00	4219.00
Jemez	52	-	-	No	-	-
Laguna	433	4820	2324	Yes	9416.00	1650.00
San Felipe	209	1200	1100	Yes	400.00	5275.00
San Ildefonso	46	-	-	-	-	-
San Juan	76	-	-	-	-	-
Santa Clara	84	-	-	-	-	-
Taos	181	2500	2000	No	3000.00	-
Tesuque	16	-	-	-	-	-
Zia	71	-	-	-	-	-
Albuquerque	567	10,000	9940	Yes	3500.00	-
	2145	19,268	16,055	4-Yes 2-No 6-No response	19836.00	11,144.00

ABERDEEN AREA

School	Enrollment reported 70-71	Volumes	Titles	Meet Curricular needs of school	Library 70	Budget 71
Standing Rock	622	6	2798	No	-	1,189.50
Wahpeton	416	7100	7000	Yes	1700.00	2,518.00
Cheyenne Eagle	1,267	9125	7185	Most of times	1200.00	-
Flandreau	525	8426	8136	-	1800.00	3,000.00
Oglalla	1,448	9205	3631	No	-	-
Pierre	140	3000	-	partly	500.00	1,200.00
Bridger	22	-	400	No	100.00	-
Cherry Creek	77	-	-	-	-	-
Promise	27	-	-	-	-	-
Red Scaffold	57	-	-	-	-	-
Swift Bird	52	1000	various tiles	No	300.00	300.00
White Horse	44	1200	-	partly	400.00	-
Mandaree	244	8060	7860	Yes	1038.16	-
Twin Buttes	75	-	-	-	-	-
White Shields	316	7135	6411	Yes	1703.00	800.00
Fort Totten	280	-	-	-	-	-

ABERDEEN AREA (Cont'd)

School	Enrollment reported 70-71	Volumes	Titles	Meet Curricular needs of school	Library 70	Budget 71
Fort Thompson	298	100	1000	No	500.00	800.00
Lower Brule	133	3000	-	Yes	-	450.00
Allen	131	-	-	-	-	-
Little Wound	350	2500	2000	Yes	500.00	20,000.00
Loneman	274	-	-	No	-	-
Manderson	223	1800	-	No	2162.00	2,162.00
Porcupine	223	-	-	-	-	-
Wanblee	196	-	-	-	-	-
Big Coulee	17	346	346	good beginning	345.00	-
Enemy Swim	28	141	1173	somewhat	200.00	200.00
Old Agency	30	-	-	-	-	-
Bullhead	56	-	-	No	-	500.00
Little Eagle	116	700	-	No	-	-
Dunseith	87	-	-	Yes	3019.41	-
Great Walker	31	12	2300	Yes	475.00	400.00
Houle	69	-	-	-	-	-
Turtle Mountain	1626	22000	23000	Yes	6579.13	3,756.00
33	9500	81856	73240	8-Yes	22321.70	37,317.50

ANADARKO AREA

School	Enrollment reported 70-71	Volumes	Titles	Meet Curricular needs of school	Library 70	Budget 71
Chilocco	519	7650	7450	-	2,911.69	3,000.00
Concho	228	4855	3840	No	3,000.00	1,500.00
Haskell	1058	8364	6784	No	12,713.00	19,000.00
Riverside	336	7200	-	Yes	3,600.00	10,549.00
Ft. Sill	265	-	-	-	-	-
5	2406	28,069	18,074	1 of 4	22,224.69	34,049.00

BILLINGS AREA

School	Enrollment reported 70-71	Volumes	Titles	Meet Curricular needs of school	Library 70	Budget 71
Busby	256	8000	7950	Yes	5,059.00	11,436.00

CENTRAL

School	Enrollment reported 70-71	Volumes	Titles	Meet Curricular needs of school	Library 70	Budget 71
Miccosukee	36	-	-	-	-	-
Ahfachkee	47	-	-	-	-	-
Bogue Chitto	166	Book Mobile	Book Mobile	-	-	-
Conehatta	187	Book Mobile	Book Mobile	-	-	-
Choctaw Central	1270	Book Mobile	Book Mobile	-	11,567.97	12,000.00
Cherokee	1214	-	-	-	-	-
IAIA	242	9500	8000	No	16,000.00	6,000.00
Standing Rock	76	10813	6023	Yes	-	-
Red Water	106	-	-	-	-	-
9	3344	20313	14023	1 of 9	27,567.97	18,000.00

JUNEAU AREA

School	Enrollment reported 70-71	Volumes	Titles	Meet Curricular needs of school	Library 70	Budget 71
Mt. Edgecumb	600	9918	7233	No	1,942.00	4,023.00
Wrangell Inst.	175	4513	4163	No	2,600.00	3,700.00
Akiak	43	1100	1000	No	-	-
Alakanuk	109	4	750	No	200.00	-
Arctic Village	-	-	-	-	-	-
Barrow	698	5000	4000	No	500.00	-
Barter Island	52	500	-	Yes	-	-
Beaver Day	32	1000	800	Yes	350.00	350.08
Brevig	50	26	400	No	-	-
Chifornak	42	1010	-	Yes	-	-
Eek	56	-	500	No	175.00	100.00
Emmonak	130	1350	1320	Yes	375.75	153.78
Grayling	51	532	564	No	280.00	-
Hooper Bay	224	-	-	No	-	-
Kalskag	41	250	200	No	-	-
Kasigluk	80	-	600	No	50.00	-
Kotlik	63	600	550	No	-	-
Kotzebue	734	3563	2500	No	7,036.00	-

JUNEAU AREA (Cont'd)

School	Enrollment reported 70-71	Volumes	Titles	Meet Curricular needs of school	Library 70	Budget 71
Kwethluk	123	1000	varied	Yes	-	-
Kwigillingok	57	600	650	No	-	-
Lower Kalskag	50	600	400	Yes	-	175.00
Napakiak	70	-	502	No	-	-
Newtok Day	47	450	-	Yes	100.00	100.00
Nightmute	38	350	-	-	200.00	200.00
Nunapitchuk	106	-	-	Yes	-	-
Oscarville	12	500	-	-	-	-
Quinhayak Day	85	-	-	-	1,176.00	1,120.00
Shaktookik	38	300	-	Yes	-	600.00
Shageluk	39	1050	1050	No	-	-
Tetlin Day	27	400	375	Yes	270.00	-
Toksook Bay	70	-	-	No	200.00	-
Tuluksak	52	331	533	Yes	-	-
Unalakleet	175	-	-	-	2,500.00	-
Venetie	22	200	-	No	200.00	295.38
	100	800	-	No	-	-
35	4288	36017	28161	11 Yes	18,154.75	6,83447

MUSKOGEE AREA

School	Enrollment Reported 70-71	Volumes	Titles	Meet Curricular needs of school	Library 70	Budget 71
Carter	128	3000	-	No	-	100.00
Seneca	178	1000	-	No	2,000.00	1,000.00
Sequoyah	400	25	4800	Yes	1,851.00	1,500.00
3	706	4025	4800	1 of 3	3,851.00	2,600.00

NAVAJO, ARIZONA

School	Enrolment reported 70-71	Volumes	Titles	Meet Curricular needs of school	Library 70	Budget 71
Chinbeto	80	1500	-	No	-	-
Chinle	790	11,233	11,233	Yes	2,700.00	2,600.00
Cottonwood	418	9898	-	No	-	-
Crystal	135	11	3000	No	-	-
Greasewood	582	7875	1308	No	525.00	600.00
Hunters Point	167	2800	-	No	540.00	-
Kaibeto, Lower	230	4000	-	No	150.00	800.00
Kaibeto, Upper	416	5750	3500	No	800.00	1,500.00
Kayenta	580	2024	4235	No	2,010.00	2,091.00
Kinlichee	210	1850	2000	No	-	462.00
Lower Mountain	175	2000	1360	Yes	405.00	3,500.00
Lukachukai	536	5710	4500	Yes	1,500.00	-
Many Farms	740	9800	7600	No	600.00	-
Navajo Mountain	32	-	-	Yes	-	-
Rock Point	304	2895	2891	Yes	1,200.00	1,200.00
Rocky Ridge	138	4000	3000	No	100.00	500.00
Seba Dalkai	144	1500	1300	Yes	200.00	200.00
Shonto	934	1500	800	No	2,760.00	3,000.00

NAVAJO, ARIZONA (Cont'd)

School	Enrollment reported 70-71	Volumes	Titles	Meet Curricular needs of school	Library 70	Budget 71
Snowflake	128	-	-	No	-	-
Tcec Nos Pos	899	8624	4129	Yes	3,000.00	1,700.00
Toyei	600	5621	5128	No	-	346.00
Tuba City	1074	20000	10000	Yes	2,355.00	3,700.00
Wide Ruins	190	4505	4126	Yes	-	-
23	9502	115,990	71,850	9 of 23	29,645.00	32,999.00

NAVAJO, NEW MEXICO

School	Enrollment reported 70-71	Volumes	Titles	Meet Curricular needs of school	Library 70	Budget 71
Baca	43	200	-	No	-	700.00
Canoncito	116	500	500	No	-	-
Cheechilgeetho	101	250	-	Yes	-	-
Chuska	570	7500	3500	No	2,500.00	500.00
Crown Point	760	11,000	5000	Yes	46.59	2,000.00
Dlo'ay Azhi	100	500	-	No	-	-
Mariano Lake	130	-	-	-	-	-
Nenahnezad	285	-	5000	Yes	-	-
Shiprock	623	20,000	12,000	Yes	1,907.95	-
Standing Rock	46	-	-	Yes	-	-
Toadlena	312	-	6416	No	272.00	350.00
Tohatchi	370	107	4490	No	1,152.00	1,000.00
Windgate Elem.	741	7800	3900	No	-	-
Windgate High	896	11,000	11,000	No	6,000.00	7,000.00
14	5093	58,857	51,806	5 of 14	11,878.54	11,550.00

NAVAJO, UTAH

School	Enrollment reported 70-71	Volumes	Titles	Meet Curricular needs of school	Library 70	Budget 71
Aneth	324	5000	3000	No	150.00	-
Intermountain	1718	10,000	7000	No	4,500.00	-
2	2042	15,000	10,000	0 of 2	4,650.00	.00

PHOENIX AREA

School	Enrollment reported 70-71	Volumes	Titles	Meet Curricular needs of school	Library 70	Budget 71
Sherman	530	9079	7300	Yes	2,575.00	5,000.00
Phoenix	855	11,031	9025	Yes	6,444.00	16,000.00
Stewart	500	5000	4500	No	-	1,250.00
Keams Canyon	417	5080	4001	Yes	1,500.00	3,800.00
Theodore Roosevelt	215	1230	750	No	1,000.00	-
J.F. Kennedy	82	600	600	No	-	-
Cibecue	256	3000	2500	No	500.00	1,500.00
Hopi Day	165	3000	2900	Yes	1,200.00	600.00
Hoteville	107	3000	2900	Yes	1,200.00	600.00
Moencopi	65	1120	1045	Yes	-	-
Polacca	203	-	-	No	-	-
Second Mesa	281	5240	5000	Yes	941.94	500.00
Salt River	180	-	-	Yes	200.00	470.00
Santa Rosa Day	350	6000	5000	No	7,000.00	5,000.00
Santa Rosa Ranh	28	450	-	Yes	-	-
Vayz Chin	67	250	-	No	-	-
16	4301	54,080	45,521	8 of 16	22,560.94	34,720.00

PORTLAND AREA

School	Enrollment reported 70-71	Volumes	Titles	Meet Curricular needs of school	Library 70	Budget 71
Chemawa	758	9500	9000	Yes	150.00	7,000.00

ABERDEEN AREA (Sheet 1 of 3)

USES AND HOURS OF USE

School	Enrollment as Reported 70-71 School Years	Grade Levels	Hours	Hours Weekly	Space (ft)	Other Purpose Use	Periodicals
Standing Rock	622	1-8	8-5	45 hrs	572	Meetings	35
Wahpeton	416	1-8	9-12;1-5	35 "	1620	Meetings	31
Cheyenne Eagle	1,267	K-8	8-5	45 "	1638	Classroom	30
Flandreau	525	9-10	8-5	50 "	3264	Storage Room	61
Oglalla	1,448	K-12	8-12;12:30-4:30	40 "	2964	Study Hall, Meetings	66
Pierre	140	1-8	3-5	10 "	600	None	None
Bridger	22	B-6	8-5		Stack Books on Cabinets	Classroom Playroom	4
Cherry Creek	77	1-6	-	-	-	-	-
Promise	27	1-6	-	-	None	-	-
Red Scaffold	57	1-8	-	-	-	-	-
Swift Bird	52	1-6	-	-	-	-	-
White Horse	44	-	-	-	In Classrooms only	-	-
Mandaree	244	K-8	8-4:30	40	2744	-	43
White Shields	316	-	8-4:30	40	3000	Small Group Meetings	56
Twin Buttes	75	1-8	-	-	-	-	-
Fort Totten	280	K-8	-	-	-	-	1

ABERDEEN AREA (Sheet 2 of 3)

USES AND HOURS OF USE

School	Enrollment as Reported 70-71 School Years	Grade Levels	Hours	Hours Weekly	Space (ft)	Other Purpose Use	Periodicals
Fort Thompson	298	K-8	-	-	2 shelves	Remedial Reading Class	20
Lower Brule	133	K-8	9-12;1-4;6-8	40	Bookmobile 1800	-	8
Allen	131	K-8	-	-	-	-	-
Little Wound	350	K-9	8-4:30	42½	4578	Adult Education Small Groups	75
Loneman	274	-	8-3	35	5160	-	37
Manderson	223	K-8	-	-	-	-	20
Porcupine	223	K-8	-	-	-	-	-
Wanblee	196	K-8	-	-	-	-	-
Big Coulee	17	K	8:30-3:45	36	1380	Classroom	1
Enemy Swim	28	1-6	-	-	-	-	3
Old Agency	30	1-6	-	-	-	-	-
Bullhead	56	K-6	-	-	-	-	-
Little Eagle	116	-	-	-	Small Office	Office	-
Dunseith	87	1-3	-	-	-	Classroom	6
Great Walker	31	2-4	-	2½	-	Classroom	7

ABERDEEN AREA (Sheet 3 of 3)

USES AND HOURS OF USE

School	Enrollment as Reported 70-71 School Years	Grade Levels	Hours	Hours Weekly	Space (ft)	Other Purpose Use	Periodicals
Houle	69	1-5	-	-	-	-	-
Turtle Mountain	1,626	K-6	8-4:30	42½	1400	Reading Class, Meetings	120

ALBUQUERQUE AREA

USES AND HOURS OF USE

School	Enrollment as Reported 70-71 School Years	Grade Levels	Hours	Hours Weekly	Space (ft)	Other Purpose Use	Period-icals
Albuquerque	567	K-12	8-12;1-5; 5:30-8:45	67	3200	None	117
Acomita	140	K-6	-	-	-	-	3
Isleta Elementary	270	K-6		25	630	Yes	8
Jemez	52	1-6	-	-	-	-	-
Laguna	433	K-6	8-4:30	40	4450	No	20
San Felipe	209	K-2	-	-	-	-	15
San Ildefonso	46	K-6	-	-	-	-	-
San Juan	76	K-6	-	-	-	-	-
Santa Clara	84	1-6	-	-	-	-	-
Taos	181	K-8	8-5	40	1000	Yes--Meetings	12
Tesuque	16	B-5	-	-	-	-	-
Zia	71	K-4	8-5	40	-	-	-

ANADARKO AREA

UNITS AND HOURS OF USE

School	Enrollment as Reported 70-71 School Years	Grade Levels	Hours	Hours Weekly	Space (ft)	Other Purpose Use	Periodicals
Chilocco	319	9-12	8-5	40	13,376	Study Hall	43
Concho	228	1-8	8-5	40	18,641	Study Hall	40
Haskell	1058	13-14	8-5;7-9:30	52½	3,200	None	250
Riverside	336	9-12	8-5	40	2,912	Study Hall Class Lab	55
Ft. Sill	265	9-12	-	-	-	-	-

BILLINGS AREA

USES AND HOURS OF USE

School	Enrollment as Reported 70-71 School Years	Grade Levels	Hours	Hours Weekly	Space (ft)	Other Purpose Use	Periodicals
Busby	256	K-12	8-5	50	3,535	Meetings	65

CENTRAL

USES AND HOURS OF USE

School	Enrollment as Reported 70-71 School Years	Grade Levels	Hours	Hours Weekly	Space (ft)	Other Purpose Use	Period-icals
Miccosukee	36	Ungraded	-	-	-	-	10
Ahfachkee	47	-	-	-	-	-	-
Bogue Chitto	166	K-6	Bookmobile 8-3:30	35	-	-	-
Conehatta	187	K-7	-	-	-	-	-
Choctaw Central	1270	K-12	7:30-4	40	3,024	Study Hall	104
Cherokee	1214	K-12	-	-	3,300	Meetings	35
IAIA	242	9-12	8-5; 6:30-10:30	60	2,500	Meetings	115
Standing Pine	76	K-6	Bookmobile 12:30-3:30	15	-	-	-
Red Water	106	K-7	Bookmobile Bimonthly	-	-	-	10

JUNEAU AREA

USES AND HOURS OF USE

School	Enrollment as Reported 70-71 School Years	Grade Levels	Hours	Hours Weekly	Space (ft)	Other Purpose Use	Periodicals
Mt. Edgecumb	600	9-12	7:45a.m. to 8:45p.m.	45	1800	Meetings	45
Wrangell Inst.	175	non-graded	8-5	40	1122	-	16
Akiak	43	3-6	-	-	36	-	12
Alakanuk	109	B-8	-	-	-	-	6
Arctic Village	-	-	-	-	-	-	-
Barrow	698	K-9	8-5	48	1600	Meetings	20
Barter Island	52	B-3	-	-	-	-	4
Beaver Day	32	B-8	-	-	-	-	10
Brevig	50	3-8	-	-	-	-	-
Chifornak	42	B-8	-	-	-	-	10
Eek	56	1-3	-	-	-	-	4
Emmonak	130	B-8	-	-	-	-	5
Grayling	51	B-8	9-4	30	-	-	8
Hooper Bay	224	1-11	8-5	40	-	Classroom	5
Kalskag	41	B-8	-	-	-	-	6
Kasigluk	80	B-8	-	-	-	-	4

JUNEAU AREA (cont'd) USES AND HOURS OF USE

School	Enrollment as Reported 70-71 School Years	Grade Levels	Hours	Hours Weekly	Space (ft)	Other Purpose Use	Periodicals
Kotlik	63	1-8	9-4	30	-	-	5
Kotzebue	734	1-12	-	50	2028	-	47
Kwethluk	123	1-8	-	-	-	-	10
Kwigillingok	57	1-8	9-4	30	-	-	10
Lower Kalskag	50	1-6	all day	30	-	-	12
Napakiak	70	1-8	all day	30	-	-	-
Newtok Day	47	1-8	all day	30	-	-	6
Nightmute	38	1-8	9-4	35	-	-	5
Nunapitchuk	106	1-8	-	-	-	-	-
Oscarville	12	1-8	-	-	-	-	8
Quinhagak Day	93	1-8	1-2 hrs per day	5-10 hrs	-	-	9
Shaktoolik	38	1-8	1-2 hrs per day	5-10 hrs	-	-	8
Shageluk	33	1-8	9-3:30	30	-	-	14
Tetlin Day	27	1-8	-	-	-	-	5
Tuluksak Day	70	7-8	-	-	-	-	6

JUNEAU AREA (cont'd)

USES AND HOURS OF USE

School	Enrollment as Reported 70-71 School Years	Grade Levels	Hours	Hours Weekly	Space (ft)	Other Purpose Use	Periodicals
Tuluksak	52	B-8	-	-	Classroom	Classroom	16
Unalakleet	175	K-9	3	15	Classroom	Classroom	20
Venetie	22	B-8	8-8	60	16	-	-
	100	1-8	-	-	48	-	6

MUSKOGEE AREA

USES AND HOURS OF USE

School	Enrollment as Reported 70-71 School Years	Grade Levels	Hours	Hours Weekly	Space (ft)	Other Purpose Use	Periodicals
Carter	128	1-12	4:15-5	4	152	Study Hall	20
Seneca	178	1-8	8-4 & 6-7	45	800	Storage	5
Sequoyah	400	9-12	8-5	40	2351	Meetings & Classroom	75

NAVAJO, ARIZONA USES AND HOURS OF USE

School	Enrollment as Reported 70-71 School Years	Grade Levels	Hours	Hours Weekly	Space (Ft)	Other Purpose Use	Periodicals
Chilchinbeto	80	K-7	Varies		200	None	None
Chinle	790	1-6	9-4	30	Classroom = ½	None	22+
Cottonwood	418	K-6	1-4 pm	15	-	-	None
Crystal	135	K-3	-	2	441	Meetings	None
Greasewood	382	1-3	9-3	35	1630	Meetings	20
Hunters Point	167	1-5	9-4	30	Classroom		None
Kaibeto, Lower	230	-	-	-	275	-	None
Kaibeto, Upper	414	2-6	8-3	40	1102*	None	33
Kayenta	500	K-8	8-3	40	1437	Meetings	20
Kinlichee	250	K-6	Open all day No-one to supervise		330	Church Groups	2
Low Mountain	175	1B-3	8-5	40	600	Storage	None
Lukachukai	536	K-6	8-3	40	1800	None	16
Many Farms	763	1-8	8-3	40	4263	Meetings	None
Navajo Mountain	32	K	-	-	-	-	None
Rock Point	304	K-6	8-3	40		Programmed Reading	3
Rocky Ridge	138	K-2	8-3	40	330	Community Room	12

NAVAJO, ARIZONA (Continued) USES AND HOURS OF USE

School	Enrollment as Reported 70-71 School Years	Grade Levels	Hours	Hours Weekly	Space (ft)	Other Purpose Use	Period-icals
Seba Delkai	144	K-3	8-6	40	450	Crafts	None
Shonto	934	B-8	8-5	40	1005	Reading Program	50
Snowflake	128	9-12	Shelves open all of time		-	Dorm-Recreation	17
Tcec Nos Pos	899	B-6	8-5	30	7000	Meetings	None
Toyei	600	K-8	8-5	40	4128	Meetings	None
Tuba City	1074	B-K-8	8-5	40+	2020	None	170
Wide Ruins	190	K-5	4-5	5	360	-	0

NAVAJO, NEW MEXICO

USES AND HOURS OF USE

School	Enrollment as Reported 70-71 School Years	Grade Levels	Hours	Hours Weekly	Space (ft)	Other Purpose Use	Period-icals
Baca	43	B-1	11:30-11:45	4	50	Office	-
Canoncito	116	K-4	-	-	-	-	-
Cheechilgeetho	101	K-2	9-5	35	20	-	-
Chuska	570	B-8	8:30-4:30	35	3401	Meetings	20
Crownpoint	760	B-8	8:30-3:30	30	3800	Meetings	-
Dlo'ay Azhi	100	B-2	9-4	30	-	-	-
Mariano Lake	130	K-3	-	-	Classroom	Classroom	-
Nenahnezad	285	1-6	10:00-3:30 2 days @ week	9	800	-	1
Shiprock	623	K-8	8-5	40	3000	Meetings	20
Standing Rock	46	-	-	-	-	-	-
Toadlena	312	K-6	8-5	40	1200	-	10
Tohatchi	370	-	as needed	as needed	1044	Meetings	-
Windgate Elem.	741	B-8	9-4	30	900	Meetings	-
Windgate High	896	9-12	8-5	40	8448	Meetings	80

NAVAJO, UTAH

USES AND HOURS OF USE

School	Enrollment as Reported 70-71 School Years	Grade Levels	Hours	Hours Weekly	Space (ft)	Other Purpose Use	Period-icals
Aneth	324	B-6	9-4	30	1056	Meetings	12
Intermountain	1718	9-12	8-5 & 6-9	45	10000	Meetings	67

PHOENIX AREA

USES AND HOURS OF USE

School	Enrollment as Reported 70-71 School Years	Grade Levels	Hours	Hours Weekly	Space (ft)	Other Purpose Use	Period-icals
Sherman	530	9-12	8-5	40	1947	Meetings	69
Phoenix	855	7-12	8-5	40	3813	-	65
Stewart	500	9-12	8-5	40	2100	Meetings & Study Hall	15
Keams Canyon	417	K-8	8:30-3:30	30	412	Meetings	-
Theodore Roosevelt	215	3-8	9-4	30	710	Reading Classes	6
J.F. Kennedy	82	K-5	-	-	-	-	-
Cibecue-Ft. Apache	256	K-8	9-3:30	33	2000	-	4
Hopi Day	165	1-8	8-5	40	660	PTA & Meetings	2
Hoteville	107	K-6	-	-	-	-	-
Moencopi	65	1-4	8-3	30	1800	-	-
Polacca	203	K-6	8-4:30	43	-	Classroom	15
Second Mesa	281	K-6	-	-	216	Storage	6
Salt River	180	K-6	9-3:30	33	660	Meetings	-
Santa Rosa Day	350	B-8	8:30 - 4:30	35	1712	P.C. & Storage	5
Santa Rosa Ranch	28	B-7	-	-	-	-	-
Vayz Chin	67	B-4	-	-	-	-	-

PORTLAND AREA

USES AND HOURS OF USE

School	Enrollment as Reported 70-71 School Years	Grade Levels	Hours	Hours Weekly	Space (ft)	Other Purpose Use	Period-icals
Chemawa	758	9-12	8-5 & 6-8	50	2880	Study Hall Testing	52

SUMMARY SHEET
LIBRARIES, LIBRARIANS, STUDENTS

Area	Number of schools in Area reporting	Number of Organized Libraries	Number of Librarians	GS Grade Levels of Librarians	Total number of students reported '70-71	Number students having access to library facilities	Number students having no library facilities available
Aberdeen	33	14	11	5-GS-9 1-GS-10 1-GS-11	9,500	7,409	2,091
Albuquerque	12	3	2	2-GS-9	2,145	1,181	964
Anadarko	5	4	4	4-GS-9 1-GS-11	2,406	2,141	265
Billings	1	1	1	1-GS-9	256	256	0
Juneau	35	13	5	5-GS-9	4,288	2,898	1,390
Muskogee	3	3	1	1-GS-7	706	706	0
Navajo							
Arizona	23	16	10	7-GS-9	9,502	8,272	1,230
New Mexico	14	7	5	5-GS-9	5,093	4,187	906
Utah	2	2	1	1-GS-9	2,042	2,042	0
Total Navajo	39	25	16	13-GS-9	16,637	14,501	2,136
Phoenix	16	8	4	3-GS-9	4,301	3,212	1,089
Portland	1	1	1	1-GS-9	758	758	0
Central Office	9	4	3	2-GS-9 1-GS-11	3,344	2,802	542
TOTAL	154	76	48	1-GS-7 36-GS-9 3-GS-11	44,341	35,864	8,477

ABERDEEN AREA (Sheet 1 of 3)

School	Enrollment as reported 70-71 school years	Grade Levels	Organized Library	Librarian	Grade	Training
Standing Rock	622	1-8	Yes	Yes	Public School	5
Wahpeton	416	1-8	Yes	Yes	T-1	5
Cheyenne Eagle	1,267	K-8	Yes	Yes 5/	GS-9	5
Flandreau	525	9-10	Yes	Yes	GS-11	5, 6
Oglalla	1,448	K-12	Yes	Yes	GS-9	5
Pierre	140	1-8	Yes	Yes 5/.	Title I T	5
Bridger	22	B-6	No	No	GS-10	-
Cherry Creek	77	1-6	-	-	-	-
Promise	27	1-6	No	No	-	-
Red Scaffold	57	1-8	-	-	-	-
Swift Bird	52	1-6	-	No	-	-
White Horse	44	-	No	-	-	-
Mandaree	244	K-8	Yes	Yes 5/	GS-9	5
Twin Buttes	75	1-8	-	-	-	-
White Shields	316	-	Yes	Yes	Distr.Pos.	5
✓ Fort Totten	280	K-8	No	No	-	-

ABERDEEN AREA (Sheet 2 of 3)

School	Enrollment as reported 70-71 school years	Grade Levels	Organized Library	Librarian	Grade	Training
Fort Thompson	298	K-8	No	No	-	-
Lower Brule	133	K-8	Yes	Yes	None	-
Allen	131	K-8	-	-	-	-
Little Wound	350	K-9	Yes	Yes	GS-9	5
Loneman	274	-	Yes	Yes	-	3
Manderson	223	K-8	No	No	-	-
Porcupine	223	K-8	-	-	-	-
Wanblee	196	K-8	-	-	-	-
Big Coulee	17	K	Yes	No	-	-
Enemy Swim	28	1-6	No	No	-	-
Old Agency	30	1-6	-	-	-	-
Bullhead	56	K-6	No	-	-	-
Little Eagle	116	-	No	No	-	-
Dunseith	87	1-5	No	No	-	-
Great Walker	31	2-4	Yes	No	-	-

ABERDEEN AREA (Sheet 3 of 3)

School	Enrollment reported 70-71 school years	Grade Levels	Organized Library	Librarian	Grade	Training
Houle	69	1-5	-	-	-	-
Turtle Mountain	1,626	K-6	Yes	Yes	GS-9/6	5

7409 pupils have library facilities available.
2091 have no library facilities available for use.

Footnotes:

1/ Dept. Head is acting librarian
2/ Teacher is acting as librarian 10% of time.
3/ Lack of funds.
4/ Not authorized & budgeted for.
5/ Teacher acting 25% of time.
6/ Classroom libraries only.
7/ No facilities
8/ Library aide

Training Code (library training)

1. -12 sem. hours
2. 12-24 sem. hours
3. 24-36 sem. hours
4. -36 sem. hours
5. Bachelors
6. Masters
7. In training

ALBUQUERQUE AREA

School	Enrollment as reported 70-71 school years	Grade Levels	Organized Library	Librarian	Grade	Training
Albuquerque	567	K-12	Yes	Yes	GS-9	5
Accmita	140	K-6	No	No	-	-
Isleta Elem.	270	K-6	No	No[4]	-	-
Jemez	52	1-6	No	No[4]	-	-
Laguna	433	K-6	Yes	Yes	GS-9	5
San Felipe	209	K-2	No	No[4]	-	-
San Ildefonso	46	K-6	No	No[4]	-	-
San Juan	76	K-6	No	No[4]	-	-
Santa Clara	84	1-6	No	No[4]	-	-
Taos	181	K-8	Yes	No[3]	-	-
Tesuque	16	B-5	No	-	-	-
Zia	71	K-4	No	No	-	-
12	2145	K-12	3-Yes 9-No	2-Yes 10-No	2-GS-9	2-B.S. degrees

1181 pupils have library facilities available
964 pupils have no library facilities available for use

Foot Notes
1. Dept. Head is acting librarian
2. Teacher is acting as librarian 10% of time
3. Lack of funds
4. Not authorized & budget for
5. Teacher acting 25% of time
6. Classroom libraries only
7. No facilities
8. Library aide

Training Code (library training)
1. -12 sem. hours
2. 12-24 sem. hours
3. 24-36 sem. hours
4. -36 sem. hours
5. Bachelors
6. Masters
7. In training

ANADARKO AREA

School	Enrollment as reported 70-71 school years	Grade Levels	Organized Library	Librarian	Grade	Training
Chilocco	519	9-12	Yes	1	GS-9	1
Concho	228	1-8	Yes	1	GS-9	3,5
Haskell	1058	13-14	Yes	1	GS-9&11	Vacant 6
Riverside	336	9-12	Yes	1	GS-9	4,6
Ft. Sill	265	9-12	No	-	-	-
5	2406	1-14	4-Yes 1-No	4-Yes 1-No	4-GS-9 1-GS-11	1 Masters 1 Bachelors 1 36 hrs. Librar Science 1 24-36 Library Science 1 12 Library Science

2141 pupils have library facilities available
265 pupils have no library facilities available

Training Code (library training)
1. -12 sem. hours
2. 12-24 sem. hours
3. 24-36 sem. hours
4. -36 sem. hours
5. Bachelors
6. Masters
7. In training

BILLINGS AREA

School	Enrollment as reported 70-71 school years	Grade Levels	Organized Library	Librarian	Grade	Training
Busby	256	K-12	Yes	Yes	GS-9	5

256 pupils have library facilities available

Training Code (library training)
1. -12 sem. hours
2. 12-24 sem. hours
3. 24-36 sem. hours
4. -36 sem. hours
5. Bachelors
6. Masters
7. In training

CENTRAL

School	Enrollment as reported 70-71 school years	Grade Levels	Organized Library	Librarian	Grade	Training
Miccosukee	36	ungraded	No	No	-	-
Ahfachkee	47	-	No	No	-	-
Bogue Chitto	166	K-6	No	No	-	-
Conehatta	187	K-7	No	No	-	-
Choctaw Central	1270	K-12	Yes	Yes	GS-11	5
Cherokee	1214	K-12	Yes	Yes	GS-9	2
IAIA	242	9-12	Yes	Yes	GS-9	5,6
Standing Pine	76	K-6	Yes	No	-	-
Red Water	106	K-7	No	No	-	-
9	3344	K-12	4-Yes 5-No	3-Yes 6-No	2-GS-9 1-GS-11	1-Bachelors 1-Masters 1-12-24 hrs. Library Science

2802 pupils have library facilities available
542 pupils have no library facilities available

Training Code (library training)
1. -12 sem. hours
2. 12-24 sem. hours
3. 24-36 sem. hours
4. -36 sem. hours
5. Bachelors
6. Masters
7. In training

JUNEAU AREA

School	Enrollment as reported 70-71 school years	Grade Levels	Organized Library	Librarian	Grade Series	Training
Mt. Edgecumb	600	9-12	Yes	Yes	GS-9	5,5,5
Wrangell Inst.	175	non-graded	Yes	Yes	GS-9	5,6
Akiak	43	B-6	No	-	-	-
Alakanuk	109	B-8	No	-	-	-
Arctic Village	-	-	No	-	-	-
Barrow	698	K-9	Yes	Yes	GS-9	5,6
Barter Island	52	B-8	No	-	-	-
Beaver Day	32	B-8	semi-organized	-	-	-
Brevig	50	B-8	No	-	-	-
Chifornak	42	B-8	No	-	-	-
Eek	56	1-8	No	-	-	-
Emmonak	130	B-8	No	-	-	-
Grayling	51	B-8	Yes	-	-	-
Hooper Bay	224	1-11	Yes	-	-	-
Kalskag	41	B-8	No	Yes	-	-
Kasigluk	80	B-8	No	-	-	-

JUNEAU AREA (cont'd)

School	Enrollment as reported 70-71 school years	Grade Levels	Organized Library	Librarian	Grade	Training
Kotlik	63	B-8	Yes	-	-	-
Kotzebue	734	B-12	Yes	Yes	GS-9	5,6
Kwethluk	123	B-8	No	-	-	-
Kwigillingok	57	B-8	Yes	-	-	-
Lower Kalskag	50	B-6	No	-	-	-
Napakiak	70	B-8	No	-	-	-
Newtok Day	47	B-8	No	-	-	-
Nightmute	38	B-8	Yes	-	-	-
Nuhapitchuk	106	B-8	No	-	-	-
Oscarville	12	2-8	Yes	-	-	-
Quinhayak Day	85	B-8	No	-	-	-
Shaktoolik	38	B-8	No	-	-	-
Shageluk	39	B-8	Yes	-	-	-
Tetlin Day	27	K-8	No	-	-	-
Toksook Bay	70	7-8	No	-	-	-

JUNEAU AREA (Cont'd)

School	Enrollment as reported 70-71 school years	Grade Levels	Organized Library	Librarian	Grade	Training
Tuluksak	52	B-8	No	-	-	-
Unalakleet	175	K-9	Yes	-	GS-9/4	5,6
Venetie	22	B-8	No	-	-	-
	100	1-8	No	-	-	-
35	4288	K-12	13-Yes 22-No	5-Yes 30-No	5-GS-9	4-Masters 5-Bachelors

2898 pupils have library facilities available
1390 pupils have no library facilities available

Training Code (library training)
1. -12 sem. hours
2. 12-24 sem. hours
3. 24-36 sem. hours
4. -36 sem. hours
5. Bachelors
6. Masters
7. In training

MUSKOGEE AREA

School	Enrollment as reported 70-71 school years	Grade Levels	Organized Library	Librarian	Grade	Training
Carter	128	1-12	Yes	0[1]	-	-
Seneca	178	1-8	Yes	1	GS-7	5
Sequoyah	400	9-12	Yes	0[2]	-	-
3	706	1-12	3-Yes	1	1-GS-7	1-Bachelors

706 pupils have library facilities available

Librarian Code
1. Insufficient funds
2. Position frozen

Training Code (library training)
1. -12 sem. hours
2. 12-24 sem. hours
3. 24-36 sem. hours
4. -36 sem. hours
5. Bachelors
6. Masters
7. In training

NAVAJO, ARIZONA

School	Enrollment as reported 70-71 school years	Grade Levels	Organized Library	Librarian	Grade	Training
Chinbeto	80	K-7	No	No	-	-
Chinle	790	B-6	Yes	Yes	GS-9	5,6
Cottonwood	418	K-6	No	No	-	-
Crystal	135	K-5	Yes	No	-	-
Greasewood	582	B-8	Yes	Yes	GS-9	5
Hunters Point	167	B-5	No	No	-	-
Kaibeto, Lower	230	-	No	No	-	-
Kaibeto, Upper	416	2-8	Yes	Yes	GS-9	5
Kayenta	580	B-8	Yes	Yes	GS-9	5
Kinlichee	210	K-6	Yes	No	-	-
Low Mountain	175	NB-3	No	No	-	-
Lukachukai	536	K-6	Yes	Yes	-	5
Many Farms	740	B-8	Yes	Yes	-	5
Navajo Mountain	32	B	No	No	-	-
Rock Point	304	K-6	Yes	Yes	-	5
Rocky Ridge	138	K-2	Yes	No	-	-

NAVAJO, ARIZONA (Cont'd)

School	Enrollment as reported 70-71 school years	Grade Levels	Organized Library	Librarian	Grade	Training
Seba Delkai	144	K-3	Yes	No	-	-
Shonto	934	B-8	Yes	No	-	5
Snowflake	128	9-12	No	No	-	-
Tcec Nos Pos	899	B-6	Yes	Yes	GS-9	5
Toyei	600	K-8	Yes	Yes	GS-9	5
Tuba City	1074	B-K-8	Yes	Yes	GS-9	5,6
Wide Ruins	190	K-5	Yes	No	-	-
23	9502	K-8	16-Yes 7-No	10-Yes 13-No	7-GS-9	9-Bachelors 2-Masters

8272 pupils have library facilities available
1230 pupils have no library facilities available

Training Code (library training)
1. -12 sem. hours
2. 12-24 sem. hours
3. 24-36 sem. hours
4. -36 sem. hours
5. Bachelors
6. Masters
7. In training

NAVAJO, NEW MEXICO

School	Enrollment as reported 70-71 school years	Grade Levels	Organized Library	Librarian	Grade	Training
Baca	43	B-1	No	No	-	-
Canoncito	116	K-4	No	No	-	-
Cheechilgeetho	101	K-2	No	No	-	-
Chuska	570	B-8	Yes	Yes	Ed. Spec. 9	5
Crownpoint	760	B-8	Yes	Yes	GS-9	6
Dlo'ay Azhi	100	B-2	No	No	-	-
Mariano Lake	130	K-3	No	No	-	-
Nenahnezad	285	1-6	Yes	No	-	-
Shiprock	623	K-8	Yes	Yes	GS-9	6
Standing Rock	46	-	No	No	-	-
Toadlena	312	K-6	Yes	No	-	-
Tohatchi	370	-	No	No	-	-
Windgate Elem.	741	B-8	Yes	Yes	GS-9	-
Windgate High	896	9-12	Yes	Yes	GS-9	-
14	5093	K-12	7-Yes 7-No	5-Yes 9-No	5-GS-9	1-Bachelors 2-Masters

4187 pupils have library facilities available
906 pupils have no library facilities available

Training Code (library training)
1. -12 sem. hours
2. 12-24 sem. hours
3. 24-36 sem. hours
4. -36 sem. hours
5. Bachelors
6. Masters
7. In training

NAVAJO, UTAH

School	Enrollment as reported 70-71 school years	Grade Levels	Organized Library	Librarian	Grade	Training
Aneth	324	B-6	Yes	No	-	-
Intermountain	1718	9-12	Yes	Yes	Ed. Spec.	5
2	2042	B-12	2	1	1-GS-9	1-Bachelors

2042 pupils have library facilities available

Training Code (library training)
1. -12 sem. hours
2. 12-24 sem. hours
3. 24-36 sem. hours
4. -36 sem. hours
5. Bachelors
6. Masters
7. In training

PHOENIX AREA

School	Enrollment as reported 70-71 school years	Grade Levels	Organized Library	Librarian	Grade	Training
Sherman	530	9-12	Yes	Yes	GS-9	5,6
Phoenix	855	7-12	Yes	Yes	GS-9	5,6,4
Stewart	500	9-12	Yes	No	-	-
Keams Canyon	417	K-8	Yes	No[2]	-	3,5,6
Theodore Roosevelt	215	3-8	Yes	No[3]	-	-
J.F. Kennedy	82	K-5	No	No	-	-
Cibecue	256	K-8	No[3][4]	-	-	-
Hopi Day	165	1-8	Yes	No[5]	-	2,5,6
Hoteville	107	K-6	No	No	-	-
Moencopi	65	1-4	No	No[4]	-	-
Polacca	203	K-6	No[6]	No[7]	-	-
Second Mesa	281	K-6	No	No	-	-
Salt River	180	K-6	Yes	Yes[8]	-	7
Santa Rosa Day	350	B-8	Yes	Yes	GS-9	5,6
Santa Rosa Ranh	28	B-7	No	No	-	-

PHOENIX AREA (Cont'd)

School	Enrollment as reported 70-71 school years	Grade Levels	Organized Library	Librarian	Grade	Training
Vayz Chin	67	B-4	No	No	-	-
16	4301	K-12	8 organized 8 not organ.	4-librarian	3-GS-9	5-Masters 1-36 hrs Library Science 1-In training

3212 pupils have library facilities available
1089 pupils have no library facilities available

Foot Notes
1. Dept. Head in acting librarian
2. Teacher is acting as librarian 10% of time
3. Lack of funds
4. Not authorized & budgeted for
5. Teacher action 25% of time
6. Classroom libraries only
7. No facilities
8. Library aide

Training Codes (library training)
1. -12 sem. hours
2. 12-24 sem. hours
3. 24-36 sem. hours
4. -36 sem. hours
5. Bachelors
6. Masters
7. In training

PORTLAND AREA

School	Enrollment as reported 70-71 school years	Grade Levels	Organized Library	Librarian	Grade Series	Training
Chemawa	758	9-12	Yes	Yes	1401	5

758 pupils have library facilities available

Training Code (library training)
1. -12 sem. hours
2. 12-24 sem. hours
3. 24-36 sem. hours
4. -36 sem. hours
5. Bachelors
6. Masters
7. In training

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., April 7, 1972.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: Thank you for your letter of March 6, concerning S. 2724, the Comprehensive Indian Education Act, and the Office of Education's Indian education policy.

Your questions and my responses are:

1. What is your stated policy relative to Indian education?

We believe that, as the President reaffirmed in his July 1970 Message to the Congress transmitting recommendations for Indian policy, the Federal Government shares a unique and enduring relationship with Indian people. The Bureau of Indian Affairs presently constitutes the major organizational expression of this relationship and can be expected to continue as such for the foreseeable future. However, we in the Office of Education also believe that as the Federal agency primarily concerned with education in this country we must bear an appropriate share in meeting the responsibilities that stem from this special relationship. We therefore intend to provide a special focus on our efforts in Indian education.

2. Do you consider that Indian children have unique problems concerning their educational needs and opportunities?

In one sense, every child's educational problems and opportunities are unique to him or her as an individual. Looking at the question more broadly, we believe that large numbers of Indian children are experiencing educational problems very similar to those afflicting other disadvantaged children. However, it is difficult for us to say generally that their educational problems and opportunities are "unique." To the extent that their problems or opportunities stem from the positive or negative interaction of a particular Indian culture and the more extensive "culture" of American society, the situation applies to some of the children within several minority populations. Rather than using the generalization that the needs and opportunities of Indian children are "unique" per se, we would urge that educators not assume that their needs and opportunities are subject to pat or standardized solutions. Instead, the delivery of educational services must increasingly address the needs of all children, including Indian children, as they exist in different settings.

3. What programs do you have in the Office of Education specifically addressed to the problems of Indian children?

As we have noted in our testimony, several OE programs are now addressed directly and indirectly to the needs of Indian communities. Most significant in terms of funding resources are: Title I of the Elementary and Secondary Education Act, Compensatory Education; Title VII ESEA, Bilingual Education; Education Professions Development Act, personnel training programs; as well as, the Follow Through, Teacher Corps, Manpower Development Training, Upward Bound, Talent Search and Special Services programs.

4. Has improvement of American Indian education been identified as (sic) priority in the Commissioner's program objectives?

Yes. As we noted in our testimony, the attention of all Office of Education managers will be further focused on Indian education by making this subject one of the Commissioner's priorities within a management tracking and reporting system that insures high visibility of priority items with the many activities of the agency. Furthermore, I have designated Dr. Don Davies, Deputy Commissioner for Renewal, as the responsible officer for overall planning, coordination, and monitoring of our programs for Indian education.

5. Do you subscribe to the Congressional findings outlined in S. 2724?

To the extent that there are serious unmet needs in Indian education that require focused and intelligent Federal action, yes. We furthermore subscribe to continuing the progress that has begun in increasing the participation of Indian parents and communities in the education provided to their children. We would amend the findings, however, in the following manner:

a. We question the dropout estimates and unemployment estimates cited. While data from particular sources can be conflicting, and indeed, all estimates are cause for concern, information available to the Office of Education indicates lower Indian dropout rates nationally, or at least regionally of 44 percent in grades 8–12 and 35 percent in grades 9–12 (source: Charles S. Owens and Willard P. Bass, *The American Indian High School Dropout in the Southwest*, Southwestern Cooperative Educational Laboratory, January 1969, pages 7 and 15; and Alphonse D. Selinger, *The American High School Dropout: The Magnitude of the Problem*, Northwest Regional Educational Laboratory, September 1968, page 137). In addition, we must point to an unemployment rate among Indians of 39.7 percent rather than the "ten times the national average," or approximately 60 percent, cited in the bill (Statistics Division, Bureau of Indian Affairs, March 1971).

b. The general findings of the Havighurst study indicate that while serious problems remain, there are hopeful signs that progress is being made in Indian education, particularly in increasing the number and proportion of Indian students graduating from high school and entering college.

c. We differ with the implicit conclusion of the findings as attached to the bill, that the Office of Education needs the rather extensive legislation applied to it by the bill to effectively address the unmet needs in Indian education. The Office of Education now has sufficient legislative authority to play an appropriate role in Indian education.

6. What is your specific policy and practice relative to Indian children in Federal schools and the $13 million dollars of ESEA money that is earmarked for them?

We have a written agreement (see attached) signed by the Commissioner of Indian Affairs and the Commissioner of Education outlining precisely how the Bureau of Indian Affairs is to utilize Title I ESEA resources and the responsibilities of BIA and OE. In accordance with the memorandum BIA is required to follow all the applicable regulations and guidelines for Title I. BIA acts much like a State educational agency and its ten individual administrative regions are treated like local education agencies. OE monitors the BIA just as it does each SEA. We also conduct joint program reviews with BIA in individual BIA schools.

7. What specific attention do you give to the problems of urban Indians?

The Task Force formed by the Commissioner noted the estimates by the Havighurst study that in 1970 almost 38 percent of the Indian population resided in urban areas, and that this proportion could be expected to increase in the coming years. As we stated in our testimony, servicing the educational needs of urban Indian children is particularly difficult because our data base has not kept up with precise locations and circumstances of urban Indians. The Task Force has recommended that research be conducted on the educational needs of urban Indians. in addition, the Office of Education will work with urban school districts and the existing urban Indian centers to provide technical assistance in support of improved educational services for urban Indian children.

In summary, the realization of the urban Indian phenomenon is relatively new in the Office of Education. It is worthy of diligent attention, both in terms of increased information and in terms of constructive action with State and local educational agencies.

8. Can you outline methods and procedures to assure that Indian children in public schools actually benefit from entitlements which Congress clearly intended?

We are obtaining good performance from our public LEA's in the various States in getting them to target Title I funds on needy Indian children. We get this performance through the monitoring of each SEA's administration of the Title I program and through in-service training of both the OE Title I and State Title I staffs. In our monitoring of State education agencies and our joint program reviews with BIA, OE has directed attention to the needs of Indian children. OE has just added an Indian Coordinator to its Title I staff who is devoting full time to working with the BIA and with Title I coordinators in States with major Indian populations.

As individual State Title I Coordinators enforce Title I regulations and guidelines more strictly, the problem of Indian non-participation in Title I disappears. At the present time (FY '72) it is not a significant Title I problem. We expect that the new Indian Coordinator will reduce this problem even further.

In general, I have instructed all professional staff members involved in the administration of funds to school districts educating Indians to be alert and observant for any evidence of discrimination.

In the routine administration of OE programs that grant funds to school districts educating Indian children professional staff members from the Central and Regional offices are involved in monitoring and other watchful activities. I have instructed all staff members concerned with these activities to be alert and observant of any evidence of discrimination against Indian children or any evidence that funds allocated for the purpose are not benefiting Indian children. These observations are to be reported to the Washington office. We will investigate and, if the charges are substantiated, corrective action by negotiation with responsible school authorities will be undertaken.

9. For example—what happens when Public Law 874 funds are channeled to a local district because of the presence of Indian children?

Public Law 874 funds are paid to a school district on a formula basis. They are deposited along with funds from other sources in a current operating expenditure account and expended in accordance with State and local laws and regulations for the benefit of all children being educated in the school district. But, as stated previously, evidence of discrimination can be observed and negotiations for corrective action can be undertaken.

10. What is the degree of accountability which would insure that Federal funds are used for Indian children?

Under Public Law 874 Impact Aid provisions, payments for eligible pupils, including Indians, are depoisted in the general maintenance and operations expense accounts of the school districts and are used along with other funds to maintain the educational program for all children attending schools in the districts. The funds are not aimed at a specific educational accomplishment and are not designed to reach specifically a particular target group or to deal with a unique problem. Applicants need neither to specify intended use of the funds nor to report the results of the expenditures. The funds can be used simply to reduce the amount of local taxes required to finance education.

Under the provisions of Title I ESEA accountability is much greater. The Office of Education holds the BIA fully accountable for all applicable regulations and guidelines. Increased accountability will come about, however, through closer monitoring of the BIA. Increased accountability at the local school level in Federal schools will also come with increased tribal contractual responsibility for local Title I projects and activities.

The individual State educational agencies are accountable for Indian participation in local Title I projects. Participation in Title I in local school districts must be based on priority educational needs without regard to race. Indian children are included and served according to their needs, which are disproportionately high.

11. What is your position on the parental involvement provided in S. 2724 for planning and implementing education programs for Indian children and youth?

We think it is excellent. Title I now has a strong parental participation regulation. The parental involvment provision in S. 2724 is considerably stronger than Section 415 of the General Education Provisions Act but is similar to the Title I regulation. That regulation, however, does not indicate the participation of secondary school students on advisory committees.

12. What kind of organizational structure exists in the Office of Education to permit the Agency to focus energy and resources and to give directions to programs available for Indian education?

The Operational Planning System (OPS) to which we have referred in our testimony and in response to an earlier question, is a management device that is operative in HEW and well suited to focusing agency attention and resources on priority items such as Indian education. The various programs in OE which currently support items in Indian education will be asked to set objectives in this area and to develop strategies to meet those objectives.

As we have also indicated, the Deputy Commissioner for Renewal will have formal responsibility to oversee the use of the planning mechanism as it applies to Indian education. His efforts in this regard will be buttressed by additional staff and by the close cooperation of the Office of American Indian Affairs, the advocacy unit in our Office of Special Concerns.

We should emphasize that the Operational Planning System, and the cooperative leadership activities of the Deputy Commissioner for Renewal and the Office of American Indian Affairs are not substitutes for the regular program structures in the Office of Education. In a real sense, all program structures will have a hand in OE's Indian education efforts. The organizational elements that we have put in place, and which we have described above, are designed to give a clearer focus and better follow through to regular program contributions.

13. How many professionals are involved on a full-time basis with prime responsibility for Indian education?

The Office of American Indian Affairs is the only administrative unit within the Office of Education which has American Indians as its sole area of concern. At the present time this advocacy office has three people in the professional capacity. Many management and program personnel throughout the agency devote considerable time to Indian education, but are not engaged in this area on a full-time basis.

14. Do you consider this number adequate?

Each of the advocacy units in the Office of Special Concerns has projected a staff of three professionals. Their main function will be to utilize their presence and positions to get agency-wide responsiveness incorporated into programs relating to their client groups. Again, other units within OE will be spending significant staff time on Indian education.

15. How does it compare to the number of professional employees involved in similar efforts at the Bureau of Indian Affairs, Washington Office?

Staff comparisons are not meaningful because the functions of the agencies are so different. The BIA is concerned only with Indians. The Office of Education is primarily concerned with Indians in the wider context of education for all Americans.

16. Describe your formal working relationship with the Department of Interior on Indian education issues.

A. The Assistant Commissioner for Special Concerns and the Director of Education, Bureau of Indian Affairs, have been meeting on a bi-monthly basis to discuss areas of mutual concern between the two agencies, such as issues relating to programs like school construction, Title I ESEA, and Indian studies. At this stage, the meetings have been on program issues and it is our intention that planning efforts will be undertaken.

17. Can you provide the Committee with examples of joint planning between the two agencies?

A. The Indian Education Administration Graduate Programs with the University of Minnesota, Penn State, Harvard, and Arizona State are projects for developing Indian professional administrators. These were planned and funded by the Bureau of Indian Affairs, the Office of Economic Opportunity, and the Office of Education.

Kindergarten and early childhood education programs have been developed and implemented by the Bureau of Indian Affairs and the Bureau of Education Personnel Development in the Office of Education.

Bilingual Education and Title I ESEA programs for the Bureau of Indian Affairs schools are areas of joint planning between the two agencies.

Student aid has been an area where the Bureau of Indian Affairs, the Bureau of Higher Education and the Office of American Indian Affairs have been working on standardized financial assistance guidelines and forms for Indian students, universities, colleges, and the two agencies.

18. How many Indian people currently occupy professional positions in the Office of Education, both in the Washington Office and various regional offices?

There are nine.

19. Do you have a "special" recruitment effort to improve your posture on the ratio of Indians to non-Indians employed in professional categories?

We have an immediate goal of hiring at least two professionals for the Deputy Commissioner for Renewal to implement our new Indian education policy referred to in our formal testimony.

In addition, looking ahead to the time when present restraints on the hiring of outside personnel are eased, I have asked the Personnel Office and the Office of American Indian Affairs to cooperate on the development of recruitment plans for the hiring of additional Indian people.

20. Can you tell the Committee the number of Indians employed in professional levels of public school work—teacher, administrators, etc.?

According to the Office of Civil Rights, DHEW, there are 2,[illegible] full-time classroom teachers who are American Indians teaching in the public schools. (Directory of Public Elementary and Secondary Schools in Selected Schools by Racial/Ethnic Groups, Fall 1970).

There are no data available on Indian school administrators in public school positions.

21. It has come to the Committee's attention that Indian college students who are recipients of per capita payments as a result of judgment awards made to their respective tribes have had either equal opportunity grants, work study grants, or their NDEA loan reduced in proportion to the amount of the per capita payment. Will you please advise the Committee what the Office of Education's policy is regarding non-Indian students who receive inheritances. Also provide us with any written policy concerning Indian students and per capita payments and the date such policy was issued.

As you know, certain Indian students have been or will shortly be, the beneficiaries of per capita payments as a result of favorable action in claims court.

For instance, the Confederated Salish and Kootenai Tribes of the Flathead Reservation have elected to distribute their claims on a per capita basis. These payments will probably amount to approximately $3500 per tribal member.

The Division of Student Assistance addressed itself to this question in a letter of January 12 to Mr. Fred Whitworth, Chairman of the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation. The Division currently holds that since these funds will be distributed to tribal members as cash, they must be recognized as a student resource. However, since they are payment in lieu of what would be an asset (i.e. land) these payments may be treated as assets and divided among the years of schooling remaining.

You inquire specifically about the Office of Education's policy on the contribution which would be expected from an inheritance of a non-Indian. In general this is a matter which would be left to the discretion of the aid officer. Aid officers who use the College Scholarship Service System recently decided that insurance and inheritance payments would be divided by the number of years of schooling remaining for the student. There would still be some latitude for the aid officer to make a judgment as to the number of years of schooling ahead of any student, depending on his career objective. Since financial aid funds for all students are limited, the maximum use must be made of whatever funds—individual, institutional, State and Federal—are available if educational opportunity is to be extended to the maximum extent possible.

22. Please comment on the provisions of Section 207(f) pages 25, 26) providing for parental involvement in the decisions relative to uses of Public Law 81–874 funds based on the presence of tax exempt Indian pupils in public schools.

There appears to be no section 207(f) in the bill. However, section 202(c)(2)(A) does require the Commissioner to exercise authority under section 415 of Public Law 90–247 to encourage parental participation with respect to financial assistance under Title I of Public Law 874. It should be noted that funds received by an LEA lose their identity when deposited in the appropriate account of the district. Consequently, it would be difficult to directly tie these funds to parental involvement activities. Although we could require section 415 participation, it would be difficult to assess the results due to the identity loss of the funds.

23. Title II, sections 208, 209, and 210, extend the provisions of various education acts administered by the Office of Education to children enrolled in BIA schools. What is your reaction to this proposal?

Title II, section 211, 212, and 213 (page 27) in effect designates the Bureau of Indian Affairs as equivalent to State agencies for the purpose of administering OE education funds of benefit to Indian children in BIA schools. Please comment on this.

There is no programmatic objection to treating BIA as a State. In fact, agreements to this effect between OE and BIA are already in force regarding both the Compensatory and Bilingual education programs, Titles I and VII respectively of the Elementary and Secondary Education Act. However, the transfer of funds from our agency to the BIA when the BIA has legislative authority to conduct such programs is not desirable from an efficiency standpoint. Needed education funds should be appropriated directly to the BIA from the outset.

24. Section 216 (page 35) establishes an Office of Indian Education under the direction of the Commissioner of Education in HEW. Please comment on this.

We strongly oppose the creation by statute of administrative structure within the Office of Education. This is especially true of the creation of a bureau-level office for the programs proposed by S. 2724. At present the entire $1.5 billion for the Compensatory Education (Title I) program is administered by a single division within the Office of Education. The $592 million for impact aid is also administered by a division. The Office of Education should have the latitude to create the appropriate structore to deal with particular needs of Indian programs and resources. We believe the administrative arrangement we are undertaking will better serve the desired purpose of focusing special attention on Indian education needs.

25. Section 109 requires that annual report from the Board of Regents to the Congress be submitted first to the Secretary of the Interior and the Secretary of HEW for their review. It has been suggested that if the Board is to be independent, it ought to send its report directly to Congress. Can you suggest any compelling reasons why the report should go to the Cabinet officers first?

There is no compelling reason why the report should be sent to the Secretary for review from the standpoint of the Board's advisory capacity relative to the Department of Health, Education, and Welfare. At the present time, the content of advisory council reports is in no way altered by the Department, when such reports are submitted for transmittal to Congress. The staff of the Department, however, is often able to contribute needed assistance to an advisory body in terms of the logistical planning necessary for the timely completion of a report and the actual distribution of the report to the Members of Congress.

26. Are you concerned about section 115 which gives the Board of Regents the right to dispose of Federal property it possesses? Do you believe this procedure would conform to the Surplus Property Act?

Yes, we are concerned. No, this procedure would not conform to the Surplus Property Act. Quite aside from any question of the disposition of surplus property (which we think should be handled under the Surplus Property Act), this section would have the effect of authorizing the Board of Regents to dispose of property which is needed for carrying out Federal activities, including activities of the Board. We do not think that the Board should be authorized to dispose of Federal property by transferring it to Indian school boards or any other entity.

27. This question concerns the language in section 202(b). Do you believe it would be possible to interpret this section as requiring the local educational agencies which are going to be set up under this act to function for three years before they can receive any funds from the regular appropriation, as opposed to receiving funds from the five percent additional appropriation?

Yes, it would be possible to interpret the section in the manner suggested, as well as in several other ways. This is merely one of a very large number of places in the bill where the intent of the draftsman escapes detection. The section to which this question refers authorizes an appropriation to enable the Commissioner to "provide financial assistance" to schools which are not local educational agencies. But there is no provision authorizing him to make payments to such schools. Section 205 deals only with payments to local educational agencies. Section 204(a)(2), to cite another example, speaks of a "program for carrying out the purposes of section 204", but no purposes are set forth in section 204. There are two sections 1 of the bill, two sections 202, two sections 203, two sections 204, two sections 205, and two sections 206. The first section 204(a) refers to "section 203(b) and (c)" but there are no such provisions. In short, the bill is so badly drafted that it is difficult to comment meaningfully on its provisions or to foresee how it could be administered in a coherent fashion.

28. How many schools currently fall into the category that would make them eligible to receive funds under Section 202(b)? What proportion of total Indian students do these schools educate?

The Division of School Assistance does not maintain records in the course of its impact aid administration activities which would provide a verifiable answer to this question. However, an estimate based on our current knowledge of schools providing educational services to Indian students would indicate the following. It should be noted that in this estimate, the use of the word "schools" is taken to mean LEAS that fall into one of these categories of LEAs set out in the proposed legislation.

a. Public board of education or other public authority	24
b. Local Indian school board (nonprofit or tribal)	18
c. Any school currently operated by BIA	197
Total	239

The proportion of Indian students (5–18) enrolled in these schools is estimated to exceed 25 percent of the total student Indian enrollment.

29. In Section 202(b), is the five percent additional appropriation going to be adequate?

The amount of sums under section 202(b) are entirely dependent upon the amount of sums appropriated for the purposes of the programs authorized by Title II of S. 2724. An answer to this question is dependent upon knowledge of the sums to be appropriated for purposes of this title.

30. Do you have any objection to the Deputy Commissioner of Indian Education in the Office of Education being appointed from a list of nominees submitted by the Board of Regents?

We oppose the legislation of any Deputy Commissioner positions within the Office of Education. The provisions of S. 2724 can be used to illustrate the reason for this position. S. 2724 explicitly designates the Commissioner of Education as the officer responsible for the administration of proposed programs in the bill. The Commissioner, therefore, should have the widest possible latitude in the selection of the Deputy Commissioner for Indian Education. Suggestions from the Board of Regents and the general Indian communty would be most welcome. However, we oppose the exclusive right of the Board of Regents, or any other party, to control the candidates for Deputy Commissioner when the Commissioner must take ultimate responsibility for the administration of the programs.

31. Please advise the Committee of the Office of Education's progress in implementing the twelve recommendations under the heading of "Policy and Administration" on pages 7 through 9 of the report entitled *Quality Education for American Indians, a Report on Organizational Location.*

a. A basic tenet of the Office of Education's Indian policy is that the Bureau of Indian Affairs should remain the primary agency for implementation of the Federal responsibility for Indians. Cooperation between OE and the BIA to increase the quality of education available to Indians has increased significantly over the past 12 months.

b. The responsibility of the head education official in the Bureau of Indian Affairs is an internal matter and, therefore, comment by the Office of Education is not appropriate.

c. The Office of Education is implementing policy steps to increase the effectiveness of our Indian education resources. Concerning the participation of Federal schools in OE programs, we feel that equivalent sums should be appropriated directly to the education program budget of the BIA.

d. We agree that, "Education must be viewed as a single, continuing process which ranges from preschool through adulthood." The reform and innovative thrust in the Office of Education's effort to bring that philosophy to Indian resources will be appropriately under the direction of the Deputy Commissioner for Renewal who has overall planning, coordinating, and monitoring responsibilities for Indian education.

e. The Office of Education fully endorses the Bureau of Indian Affairs' objective of moving children out of Federal boarding schools and placing them in local community schools whenever possible. However, it should be noted that the BIA is working directly with the States in this effort and not through OE.

f. Self-determination for Indian communities regarding Federal services was pledged as a goal of the President in a special Message to Congress in July 1970. S. 1573, now before the Senate Committee on Interior and Insular Affairs, would authorize such community control of programs.

g. I have indicated a strong interest in employing young American Indians in OE. The Personnel Office is working with the Office of American Indian Affairs to increase Indian employment in this agency.

h. The Bureau of Adult, Vocational and Technical Education has a task force working to enhance career oriented and vocational education among Indians.

i. As I stated earlier, the Office of Education fully endorses the movement of pupils from Federal schools to community schools wherever feasible. However, the BIA as been working directly with the States in this area.

j. Title I of the Elementary and Secondary Education Act has utilized the parent advisory council to get parent, community, and school involvement in education. American Indian parents in the public schools are increasingly utilizing these committees.

k. In December 1970, a national survey on Indian education, funded by the Office of Education, was released. This report is referred to as the "Havighurst Study." The three-year study covered Indian students in grades 1 through 12 in 30 public, private, and Federal school systems in 14 States. Some 50 reports comprise the entire study. In addition, a summary report and recommendations was published entitled, "The Education of Indian Children and Youth."

l. The development of community colleges on or near reservations should be encouraged. We have backed the waiver of the 5-year rule for assistance to developing institutions under the Higher Education Act of 1965. Such a provision is now under consideration by the Congress. In addition, the Office of Education stands ready to extend student assistance and other higher education funds to any such accredited institution.

I have tried to respond to the enclosed questions in a frank and detailed manner. I hope that the responses will be of assistance to the Committee in its deliberations of the subject of quality education for the Indian people.

Sincerely,

S. P. MARLAND, JR.,
U.S. Commissioner of Education.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C. April 10, 1972.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for views from the Office of Management and Budget concerning a question asked by Senator Clinton P. Anderson during the course of hearings on S. 2724, the comprehensive Indian Education Act:

Do you forsee any administrative or legal difficulties in locating a partially independent National Board of Regents for Indian Education within the Department of the Interior?

We concur in the analysis of the bill provided your Committee by the Department of the Interior's letter of February 28, 1972, that concluded the Board "in reality would be an autonomous entity." When the Board becomes fully operational, it would be essentially independent of the Department of the Interior.

The kind of difficulties that might arise would be those caused by the creation of any new agency concerned with one functional area for a particular clientele. An agency concerned only with Indian education would lack the broad perspective necessary in dealing with the interrelated social problems of Indians. An additional agency would increase the cost of providing services, absorbing funds needed for improving education, while complicating the concerting of resources to meet the various and critical needs of Indians.

Moreover, a tested principle of organization is that executive functions should, to the extent possibly be vested in a single head who can respond decisively and be held accountable. A part-time Board would not meet such criteria. Indian people could hardly hold accountable a multi-headed organization serving part-time in Washington, responsible in small degree to the Secretary of the Interior and the Bureau of Indian Affairs.

In summary, this Office believes that the Administration's proposal for establishing an Assistant Secretary of the Interior for Indian and Territorial Affairs together with other proposals for having Indians assume control of Federal programs is the sounder approach. We are seeking to move away from arrangements requiring a large bureaucracy in Washington concerned with Indian affairs and the proposed Board appears to be a move in the *opposite* direction.

Sincerely,

(Signed) GEORGE P. SHULTZ, *Director*.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C. May 8, 1972.

Hon. PAUL FANNIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FANNIN: Thank you for your letter of March 30 concerning Indian education and the Office of Education's Indian education policy.

Your questions and my responses are:

1. Among the recommendations contained in Task Force Report is the establishment of the NCIO Education Subcommittee as an advisory committee to OE for Indian education. Have you made use of the Subcommittee in the development of the Task Force Report? Have you made use of the Subcommittee at all?

The Indian Education Task Force formed by Commissioner Marland in April 1971 was essentially and purposefully an in-house body formed to address very basic policy and organizational questions relative to clarifying USOE's role in Indian education and enhancing the impact of the substantial efforts that now exist. While the Subcommittee was not deeply engaged in this part of the Task Force's work, Task Force members attended the regular Subcommittee meetings and their deliberations constituted an indirect influence on the Task Force's work. In particular, Mrs. Helen Scheirbeck, a member of the Task Force, is also an *ad hoc* member of the Education Subcommittee. In addition, copies of the Task Force Report were shared with Subcommittee members and their comments and suggestions were sought.

As you are probably aware, the Subcommittee has been invited to serve in an advisory capacity to Commissioner Marland and they have accepted the invitation. An initial meeting is being planned for mid-May and we look forward to substantative program guidance of these Indian educators.

2. What steps have you taken to implement the recommendations of the Task Force?

The Task Force recommendations have been approved by the Commissioner and his Deputy Commissioners and now constitute the fundamental outline of USOE's policy in Indian education. The Task Force recommendations, and the steps taken to implement them, in themselves constitute a comment the issues raised in question number three and I think a combined answer to these two questions is appropriate.

3. The report of the Task Force deals with a number of issues and I would like you to comment on each.

First, what role should OE play in Indian Education?

The concept of the special Federal relationship to Indians has deep historical roots. The trust relationship between the United States and the various Indian tribes was established by treaty. Congressional intent that at least some education services should be available to Indians off the reservations was established by the Johnson-O'Malley Act of 1934. The Office of Education has a role in contributing to the fulfillment of the Federal responsibilities for Indian education. This contribution will be made within limits that acknowledge the Office of Education's commitment to equal educational opportunity for all and recognze that the Bureau of Indian Affairs is the major locus for fulfilling the larger Federal responsibilities to Indians.

Second, how should OE manage its efforts in Indian education?

Indian education has been identified as one of the Commissioner's priorities in the Operational Planning System. As such, it is being explicitly addressed within the present planning cycle.

As Deputy Commissioner for Renewal, I have been assigned overall responsibility for the coordination of OE planning in Indian education.

To enable me to carry out these new responsibilities in this effort, two professional positions have been allocated to my immediate staff. We are confident that our recruitment efforts will enable us to fill those positions with prominent Indian educators. We feel that our new staff capacity, working in close conjunction with our present advocacy unit, will constitute the type of management center we need to coordinate the many different program efforts in USOE that now aid Indian education.

Third, how should OE deal with the charges that Title I and P.L. 874 funds are not being targeted to the needs of Indian children who are entitled to such attention?

Concerning the Title I ESEA program and P.L. 81–874, the Deputy Commissioner for School Systems, Mr. Duane Mattheis, has been asked to develop a monitoring plan for Indian children participating in Title I projects. To this date a schedule of site visits has been developed, and the plan is being sharpened. In addition, Mr. Mattheis has directed his program personnel, particularly those in the P.L. 874 program, to report to him any substantial evidence that they observe indicating that Indian children are being discriminated against in educational programs where USOE funds are involved.

Fourth, how should OE obtain guidance from Indian educators and representatives outside the Office of Education?

As we indicated earlier, the Educational Subcommittee of the NCIO has accepted Commissioner Marland's invitation to advise USOE concerning policies and program efforts in Indian education. An initial meeting is planned for mid-May.

Fifth, how should OE address the movement for Indian control of schools?

Regarding the complex question of Indian control of schools, the Deputy Commissioner for School Systems is preparing a statement clarifying USOE's understanding of Indian control, and outlining the role this agency intends to play in supporting this principle of self-determination.

Sixth, how should OE address the educational needs of urban problems?

The past few years have seen a dramatic increase in the Indian population of the large urban areas. We realize that the magnitude of change has outstripped our meager data base concerning the precise location and the educational needs of urban Indians. Commissioner Marland has already ordered the expansion of the OE data base concerning urban Indians. It will be my responsibility to then recommend the appropriate steps to deal effectively with the educational problems involved.

4. Last year an Indian Education Task Force was convened as a study committee within the Office of Education. There are a number of questions I should like to ask concerning its report, but first I would like to know who were the members of the Task Force?

The Task Force members were: Mr. Dick W. Hays (Chairman), Assistant Commissioner for Special Concerns; Mr. Frank McGettrick, Deputy Associate Commissioner for Adult, Vocational and Technical Education; Mr. John Driscoll, Special Assistant, Office of Special Concerns; Miss Madeleine Golde, Acting Director, Office of Indian Affairs, Office of the Secretary (HEW); Mr. Robert Weatherford, Special Assistant to the Deputy Commissioner for School Systems; Mr. Richard Emery, Human Resource Analyst, Office of Management and Budget; Mrs. Helen M. Scheirbeck, Director, Office of American Indian Affairs (USOE).

5. It occurs to me that much of the concern for the issues involving Indian education has been generated here in the Congress. Would you agree with that assessment? Do you have explanation for this apparent Congressional concern for Indian education?

It is certainly true that the Committee on Interior and Insular Affairs and the Committee on Labor and Public Welfare have been major exponents of reform in the area of Indian education. However, the Executive Branch also has been quite aware of Indian education problems and has worked hard for solutions. In July 1970 President Nixon outlined his ideas on the reform of Indian policy and submitted the necessary implementing legislation. Among the bills particularly relevant to education is S. 1573, to provide for local control of Federal services provided to Indians on trust lands, which is before your committee.

The Office of Education has also contributed a great deal of time and effort in the development of the Task Force recommendations. The effective implementation of these recommendations promises to be no less arduous.

In summation, I believe that the growing movement within Indian communities to have a greater influence over their own affairs, and the increased and positive concern of officials in both the Congress and the Executive Branch have contributed to the present interest at the Federal level.

6. Do you agree that Indian programs are deficient and have resulted in deficiencies in the educational attainments of the Indian people.

It is clear from numerous studies and testimony from Indian communities that there are deficiencies in Indian educational attainment. Many Indian communities experience dropout rates, illiteracy rates, and unemployment rates at unacceptably high levels. However, it would be misleading, and unfair to school systems, to explain these problems with the suggestion that Indian educational programs are categorically deficient. Many Indian communities manifest educational problems that afflict other educationally and economically disadvantage groups. While we must learn a great deal more about educating disadvantaged children, we cannot expect to place the entire burden on educational programs.

The OE sponsored National Study of American Indian Education, directed by Dr. Robert J. Havighurst of the University of Chicago, did emphasize a need to build education programs more positively on Indian culture and Indian expectations. However, it may be noted that some real progress in Indian education is discernible in the increased numbers of Indian high school graduates and college enrollees.

7. In your opinion, what are the basic obstacles to the delivery of quality educational services and programs to the Indian community?

The Office of Education is not presently in a position to analyze the obstacles encountered by the Bureau of Indian Affairs and State educational agencies. With regard to our own programs, however, we believe that their impact can be enhanced if they are operated within the context of a conscious policy in the Office of Education and coordinated to serve a consistent set of strategies and objectives. As we have indicated elsewhere, the clarification of OE's policy in Indian education and the improved coordination of our programs were both key efforts of the Task Force convened by Commissioner Marland.

8. How would you characterize the relationship between the Office of Education and the Indian community? How do Indians generally see the role of the Office of Education and what are their expectations of your office, if any?

The relationship between the Office of Education and the Indian community can be characterized as developing. As a result of the role of the Office of American Indian Affairs, Indian people are beginning to look to the U.S. Office of Education for programs and services to enhance their education.

9. What is the Office of Education doing to implement the President's objective of realizing self-determination and local control in Indian education?

The Office of Education is limited in its ability to assist the actual assumption of local control of schools by Indian communities. At this time OE can only advise and encourage since the Federal schools are operated by the Bureau of Indian Affairs and the public schools by State and local education agencies. However, the problem of local control, with all its attendent legal and jurisdictional complications, is being seriously studied in OE with the purpose of developing a clear position on the issue.

10. One of the most serious deficiencies, in my opinion, regarding Indian education is the inability of the Public Law 81-815 program to provide the necessary funds to realize the construction needs of schools serving Indians. What is your Department's position regarding this problem and can we expect an effort to meet this critical need?

The Department presently requests the support of the Congress for the Administration's Revenue Sharing proposal which is under consideration. This proposal retains in Public Law 81-815 the authority to approve eligible applications under Section 9 (where local education agencies need temporary facilities because the Federal impact is temporary in duration), Section 10 (direct Federal construction in Federal property), subsections 14(a) and (b) (assistance to local education agencies serving children residing on Indian lands) and Section 16 (assistance to local education agencies in major disaster areas).

If the Revenue Sharing proposal should be enacted funds anticipate to be requested for Public Law 81–815 would provide for the highest priority projects under each of the aforementioned sections.

In the interim the President is proposing to the Congress that the 1973 budget request for Public Law 81–815, or $15.9 million, be made exclusively for applications found eligible under Section 5 and subsections 14(a) and (b) of the Act. (Section 5 is assistance to local education agencies which have sustained increases in school membership as a result of new or increased Federal activities. Public Law 81–815 monies have not been available to fund such applications filed in Fiscal Year 1968 to the present). If this request is approved, the appropriation would be proportionately shared by eligible applicants under Section 5 and subsections 14(a) and (b). In view of the present backlog of unfunded eligible or potentially eligible applications between 20 and 30 percent of the appropriation would be assigned to subsections 14(a) and (b). This would take care of a few more of the highest priority applications under these subsections.

11. What is the Office of Education doing to assist colleges and universities with the development of adequate counseling services for Indians enrolled in institutions of higher learning.

Through Special Services program for disadvantaged students at universities and colleges across the country, Indian students are receiving counseling and special program efforts. In Fiscal Year 1971, the "Trio" programs, Talent Search, Special Services, and Upward Bound, committed approximately $4,205,950 to programs serving Indian students. These programs are well received by Indian groups.

12. Your Task Force Report rejects the establishment of a Deputy Commissioner for Indian Education. Would you, however, agree to the concept of having the proposed National Board of Regents within the Department of Interior serve as an advisory committee to the Office of Education?

The NCIO Education Subcommittee has already accepted an invitation to serve as an advisory body to the Commissioner of Education on Indian Education. Without wishing to in any way curb the access of the Indian community to the Office of Education, as we suggest that clarity will be better served by a single formal advisory group.

13. On November 3, 1969, the Special Senate Subcommittee on Indian Education filed its final report entitled; *Indian Education: A National Tragedy—A National Challenge.* This report contained some 60 recommendations concerning Indian education programs and I wonder if the Office of Education has reviewed those recommendations. If so, what were your conclusions?

The report has been reviewed with great care by the Office of Education. I would like to comment on those recommendations that bear directly on OE areas of responsibility. I will indicate the recommendation to which my comment is directed by the number of that recommendation in the printed report, *Indian Education: A National Tragedy—A National Challenge.*

Recommendation 1—The Office of Education believes that a commitment to educational excellence for American Indians and maximum participation and control of Federal school education programs by Indians are consistent with the content and direction of the President's program for Indian education.

Recommendation 2—We believe that the development of exemplary programs, elimination of illiteracy, bilingual special educational assistance and other goals in this recommendation are legitimate and challenging National goals. Many of these goals are, of course, necessarily long range in nature due to the extremely large expenditure of resources needed for full implementation.

Recommendation 13—The amount of Bilingual Education Act (Title VII of the Elementary and Secondary Education Act) funds for Indian programs has risen steadily from an estimated $1,047,427 in FY 1970 to an estimated $3.2 million in FY 1972.

Recommendation 14—In the broad area of Education Personnel Development, OE expenditures for Indian related programs have increased from $3 million in FY 1970 to an estimated $8 million in FY 1972.

With regard to educational materials, we expect that progress will result from the growing level of bilingual programs. However, we are also addressing other avenues, including closer cooperation with the Bureau of Indian Affairs, to promote the development of culturally sensitive educational materials.

Recommendation 18—We agree that parental and community involvement is highly desirable. Parental involvement is already required under regulations for Title I of the Elementary and Secondary Education Act.

Recommendation 20—Closer cooperation between OE and the BIA is needed. Toward this end the two agencies are now engaged in regularly scheduled meetings covering major program issues that pertain to their mutual responsibilities in education. The NCIO Education Subcommittee has recently entered into a formal advisory relationship with the Office of Education.

Recommendation 36—The expenditures under "Trio" programs (Talent Search, Upward Bound and Special Services) have risen from an estimated $3.1 million in FY 1970 to over $4 million in FY '72. The President has requested an increase of $19.3 million for the "Trio" programs in FY 1973.

Recommendation 37—The concept of a waiver of the Higher Education Act's five year rule for eligibility is a part of the Administration's legislative proposals for higher education. Such a provision is included in S. 659, now being considered by House and Senate conferees.

Recommendation 38—The Office of Education opposes all set-asides. Funds for BIA education programs should be appropriated directly to that agency.

Recommendation 39—A relatively limited data base makes a definitive position on the Teacher Corps set-aside difficult to assess. A three percent set-aside is a fairer reflection of the need of Indian children, in relation to other education disadvantaged children, than a set-aside of five percent. In any event, the Teacher Corps effort serving Indian children in both BIA and public schools has risen from an estimated $769,000 in FY 1969 to an estimated $3.4 million in FY 1972.

Recommendations 44 and 45—Forward funding and full funding of Public Law 874 are difficult to endorse without first solving the basic inequities of the program. As the program operates now, much of the P.L. 874 money goes to wealthy counties which in many instances profit from the Federal presence. These funds should be directed to areas of greater need.

Recommendation 46—Section 14 of Public Law 815 has received priority status in the last two fiscal years for the allocation of P.L. 815 funds. Again in FY 1973 it is estimated that a third of P.L. 815 funds will be spent for the purposes of section 14.

Recommendation 47—There are many legitimate and pressing needs in education. Federal resources are more limited than the problems. One of the difficult decisions that has been made is that instructional resources should claim a higher priority for OE funds than construction.

Recommendation 59—The advice and guidance of the Indian community is needed and welcomed. The Education Subcommittee of the NCIO has accepted the role of being an advisory group to the Commissioner of Education.

Recommendation 60—We agree that the Office of Education should work more closely with the BIA in connection with the operation of Title I ESEA programs in Federal schools. An agreement was reached in April of 1971 between Commissioner Marland and Commissioner Bruce on the mutual responsibilities of OE and BIA regarding Title I. The BIA is now treated as a State for all practical purposes in the administration of Title I funds.

14. Are you planning the annual review of BIA Title I program administration?

Yes. A team of four people from the Office of Education will visit the Bureau of Indian Affairs to review the administrative arrangements for the program operation of Title I during the week of May 7, 1972. In addition to reviewing Title I administration at the BIA level, selected local agencies which operate Title I projects will be reviewed. Local visits will include the Santa Rosa Boarding School, Salt River School, Gila Crossing School in Arizona, and schools in the Southern Pueblos Agency in New Mexico.

In general, at the local level the team will be looking at such things as needs assessment, project development procedures, performance objectives, and parental involvement procedures.

In addition to considering those items reviewed during the local visitations, the BIA functions to be reviewed include planning, organizing, directing, coordinating, and controlling the overall Title I program within the BIA jurisdiction.

After the local visitations and discussions with BIA Title I Staff, it is the review team's procedure to present an oral summary of its tentative findings, conclusions, and, where warranted, recommendations for improvement. Following the team's visit, a written report is sent, to which the BIA is requested to respond.

15. To your knowledge has BIA received any complaints as a result of the administration or implementation of Title I program?

No. However, the BIA receives numerous inquiries regarding interpretation of policy. The inquiries are handled by routine reply and not as a complaint.

16. Has BIA, to your knowledge, publicized the complaint procedure established by the BIA and HEW agreement?

No. The BIA has not found it necessary to publish a formal procedure since all complaints are handled by an internal procedure set up by the Commissioner of BIA.

17. Have you received any complaints, and, if so, what has been their disposition?

Yes. There were a few complaints from Indian Tribes who wanted to take control of the administration of Title I. However, the BIA provided a proper interpretation of the Title I law and regulations which clearly demonstrate that Title of I of the Elementary and Secondary Education Act must be administered by a public agency.

18. Has OE provided technical assistance to the BIA and, if so, what kind of assistance?

Yes. The Division of Compensatory Education provides various means of technical assistance to the BIA through telephone consultations, workshops sponsored by the Division, personal visits to the Division by appropriate BIA personnel, and the annual program review for Title I operation. Technical assistance was provided by Division staff member at the Bureau of Indian Affairs "Conference on Handicapped Children," Albuquerque, New Mexico, February 28–March 5, 1971.

19. Has the Office of Education audited the BIA Title I program and if so, what were the results of that audit?

No. According to the Memorandum of Understanding between the BIA and the Office of Education, Section V–5, the cognizant agency responsible for auditing BIA Title I program will be the Department of Interior. Based on this agreement, the HEW Audit Agency does not audit the BIA Title I operations.

20. In Commissioner's Mariand testimony last year before the Education Subcommittee a strategy was outlined concerning Indian education programs. Could you tell the committee what progress has been made in the implementation of that strategy?

The strategy outlined in the Commissioner's testimony was the basis of the Task Force study. That study, of course, resulted in the Office of Education policy steps for Indian education described at length in our testimony before your committee and in this letter.

I have tried to respond to the enclosed questions in a manner as straightforward and detailed as possible. I hope the responses to your questions will be of assistance in your consideration of the subject of quality education for the Indian people.

Sincerely,

DON DAVIES,
Deputy Commissioner for Renewal.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D.C., June 7, 1972.

Hon. PAUL FANNIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FANNIN: This is in further response to your letters of March 30 and April 25 requesting answers to questions relative to S. 2724, the "Comprehensive Indian Education Act of 1971."

A response to each of the questions attached to your letter of March 30 is enclosed. I trust that the information provided will be of benefit to you. Your interest in the Bureau's Education Programs is greatly appreciated.

Sincerely yours,

LOUIS R. BRUCE, *Commissioner.*

Enclosure.

QUESTIONS SUBMITTED BY SENATOR FANNIN TO THE BUREAU OF INDIAN AFFAIRS AND THEIR RESPONSE

Generally, what is your present assessment of Indian education programs in BIA schools and public schools at this time? What are your expectations for the future for Indian education?

Often these hearings dwell on problems, but I wonder if you could recite for the Committee some of your achievements in Indian education programs and what you expect for the future?

In a study of BIA schools conducted by the Abt Associates in 1969, the following was reported: "On the basis of visits to 30 of 250 BIA schools educating over 20 percent of the BIA student population, it can be concluded that most BIA schools are no better or worse than the average American rural and small town elementary and high schools."

Since 1969, we believe that a number of significant improvements have been effected. Some of these achievements are:

1. Much greater involvement of Indian parents has been brought about through the establishment of Indian advisory school boards at all BIA schools. Experience and special training programs have helped these board members contribute effectively to the shaping of Indian education programs. This involvement is generally a needed first step for any community which might want to assume full control of school operations under contract with the Bureau.

2. The rapid expansion of the Higher Education Assistance program is itself a significant development and a reflection of improved programs at the elementary and secondary levels. In Fiscal Year 1969, 3,432 Indian students received grants to enable them to attend college; in Fiscal Year 1972 the number assisted will be about 10,500 and more than 14,000 eligible applicants are expected to request assistance in Fiscal Year 1973.

3. Special programs in higher education provide opportunities for Indians to receive law educations and to do post-graduate work in education administration.

4. In 1969 the first kindergartens were opened at BIA schools. There were 34 of them that year and 137 in Fiscal Year 1972. This program has helped the children in reading readiness and adjustment to school programs.

5. Other developments are:

The number of Navajo students attending boarding schools off the reservation has been reduced from 2,568 in 1968-69 to 1,305 in 1971-72. The completion of Gray Hills High School this year is expected to further reduce this number. Similarly, the number of Alaskan students attending schools in the "lower 48" has been reduced from 1,097 to 447 in the same time span. In both instances, these reductions have been accomplished despite overall increases in school attendance.

The opening of the Southwestern Indian Polytechnic Institute, Albuquerque, New Mexico.

The achievement of Junior College status for the Haskell Indian Institute, Lawrence, Kansas.

The initiation of bilingual education programs in Alaska and the Aberdeen and Navajo areas.

The development of many special education programs for handicapped or exceptional children.

The expansion of summer programs from 10,709 children participating in 1969 to 37,873 in 1971.

The vastly increased use of Indian cultural materials in school programs and culturally oriented curriculum changes.

The development of career development programs for Indian teacher aides -- some of which enable the aide to earn a college degree.

Increased use of modern educational methods -- individualized instruction, flexible scheduling, differentiated staffing, etc.

Looking to the future, we believe that, given adequate funding and employment ceilings, the prognosis for Indian education in the BIA schools is good. There is a tremendous task yet to be done, but progress has been made. The increased number of Indians now attending college brings the hope that there will be more Indian teachers and education administrators. Increased participation of Indian parents in school operations is another very hopeful sign, since home-school cooperation is so essential to successful education programs.

It has been indicated that the BIA works closely with other Federal agencies, particularly the Office of Education, in the planning and operation of Indian education programs.

Could you answer the following questions concerning BIA's working relationship with other Federal agencies?

First, could you specify the agencies with which you have a working relationship?

Second, could you explain, to the Committee, the exact nature of your working relationship? Is it a formal mandated relationship or is it more informal?

The principal Federal Agencies with which the BIA education office has working relationships are the Office of Education (HEW), Indian Health Service, Office of Economic Opportunity and the Department of Agriculture.

For the most part, these relationships are informal. Memoranda of Agreement have been signed with the Office of Education for ESEA Title programs, with OE and OEO for joint support of the Indian Lawyers' Program, and with the Department of Agriculture for the school lunch program. A meeting of Bureau education leaders with Indian Health Service representatives was held in Albuquerque in March to discuss cooperative procedures for improving health education programs in the schools.

The ESEA Title programs have been extremely valuable in helping us to develop and implement innovative education approaches, including the bilingual programs, remedial reading, special math programs, life-experience trips for children, and special education for those with learning difficulties.

The Indian Lawyers' program, supported jointly by BIA, OE and OEO is another accomplishment of note. And the agreement with the Department of Agriculture to provide lunches for Indian children at JOM schools releases those JOM funds for other programs for the children.

Do we have a problem in the delivery of adequate Indian education programs and, if so, could explain the dimensions of the problem?

There is a serious problem in the delivery of adequate Indian education programs because adequate education programs for Indian children must be quite superior to programs for most non-Indian children in order to be equal.

A study of Indian education, made by the Abt Associates, Inc., in 1969, includes a commentary on this subject: "Research has shown that out-of-school learning in the home and among peers, contributes a major component of children's education. In this respect, BIA schools do not now have it in their power to offer the out-of-school educational advantages enjoyed by two-thirds of the non-Indian students whose families are not impoverished. Indian homes where an Indian language is spoken obviously do not reinforce the English language learning of the schools. For boarding school students, the dormitories do not offer the same environmental enrichment of most homes. Thus to achieve equality of educational processes, once again the BIA school process must be much better than average, to compensate for the much less than average out-of-school educational factors operating during the school years."

This same concept was expressed at a recent meeting of BIA special education teachers when it was said that all BIA education programs should be considered special education programs.

The kind of compensatory or superior education programs needed in Indian schools to equalize educational achievement requires more and better teachers and more and better guidance-dormitory personnel. The BIA has not had the funds or the employment ceiling for this improved staffing. In addition, the requirements of the Civil Service Commission are sometimes a hindrance in both recruiting and retaining quality personnel.

Could you describe for the Committee the process which you use to consult with the Indian community concerning the content and management of Indian education programs?

On the national level, the Director of Education Programs and members of his staff meets regularly with the National Indian Education Advisory Committee to discuss policy, plans and programs. Sub-committees and individuals from the Committee also work with the Director on particular tasks or projects.

On the local school level, Indian advisory school boards meet regularly with the school officials to provide the voice of the local community in the operation of the schools. Agency and Area boards also function at the intermediate levels.

In addition to these systematized processes, staff officials often are advised or consult with tribal leaders and leaders of other Indian organizations.

On November 3, 1969, the Special Senate Subcommittee on Indian Education filed its final report entitled: Indian Education: A National Tragedy--A National Challenge. This report contained some 60 recommendations concerning Indian education programs and management efforts. Could you tell me whether or not the BIA has responded to these recommendations and, if so, what were your conclusions.

Do you have any statement concerning those recommendations for the record? I think we should have your official response to the Report.

The Bureau agrees generally with most of the recommendations of the Senate Subcommittee report, which suggest various approaches and steps toward improving Indian education. Many of the recommendations--bilingual education, development of culturally relevant materials, expansion of higher education assistance programs, Indian parent participation in the schools, and others--are already being implemented within the constraints of funding and employment ceilings.

Comments on some of the recommendations (recommendation number in parenthesis) follow:

(7) Multiple-Year or advance funding is desired rather than the single-year funding now used because the complexity of operating a large, diversified, and widely dispersed school system requires that specific funding be assured in advance.

The present appropriation process represents a major deterrent to the effective planning and operation in Indian education. Opening of schools is planned each year, and in many cases actually opened, without final funding status having been established. Since in excess of 70 percent of the school's operating budget goes for personal services, there is considerable uncertainty about staffing patterns and staffing levels when schools open and for quite some time thereafter. Advance funding would assure the Bureau a more competitive position in securing adequate and qualified teachers, since commitments or offers could be made at time of recruitment when applicants are available, well in advance of the beginning of the school year. This should occur at least six to nine months prior to the opening of school

(15) Legislation has been introduced, which we support, for the creation of an additional Assistant Secretary of Interior. He would be given responsibility for Indian and Territorial Affairs.

(16) The present National Indian Education Advisory Committee is four years old. It consists of 16 members (six current vacancies) appointed by the Commissioner. It has proven to be of great value in determining program policy, conducting workshops, and providing a valuable liaison with tribal groups. The membership of this group has

proven to be highly responsible and responsive without any evidence of proprietary interest or other expression of personal interest which might diminish their substantive effectiveness. A National Indian board should be cloaked with the authority to establish national standards and goals. The Bureau recommends that in the interests of continuity and overall competency most members of the present Advisory Committee be appointed to the new National Board.

(17) Advisory boards in the 200 Bureau schools have already been established with an increase in community involvement being the result. These boards have become increasingly more involved and effective.

(20) The Committee recommendation understates the amount of cooperation and coordination existing between Departments at the program level. Staffs of both Departments constantly work together on the various titles of Public Law 89-10. However, in January 1968 the Secretary of the Interior requested the Secretary of Health, Education, and Welfare to provide technical staff assistance in support of the undermanned BIA education staff. This was never provided. Additional policy level communication between Departments would strengthen overall program thrust and improve continuity, etc. However, BIA Education staff is too small to do justice to the staff work upon which such an undertaking would depend for its success.

Omnibus legislation to transfer the Indian support programs from HEW to Interior would reduce the need for interdepartmental programing and increase Interior's flexibility and overall effectiveness.

The Bureau Education Office maintains close and cooperative professional relationships not only with HEW and NCIO, but with Labor, Commerce, NIH, and HUD in order to promote coordination of programs.

(22) The Bureau agrees with this recommendation and would amend it to include other BIA elementary residential schools. The Bureau has worked toward implementation of this recommendation. Studies have been made of the feasibility of making substantial reductions in enrollments of young students in residential schools by construction of all-weather roads on the Navajo.

The Bureau notes the Subcommittee's further recommendation that an investigation be conducted "to determine how the school environment and practices can be substantially improved." The Bureau believes another study at this point would be redundant. Rather, implementation of the recommendations for adding qualified Pupil Personnel staff during the transition would not only serve to produce continuing information on the situation, but provide the supportive services necessary to achieve desired improvements as well.

(23) The Bureau of Indian Affairs does not endorse this recommendation. "Therapeutic treatment centers" implies a medical model for the amelioration of learning problems. The Bureau does not believe that all available educational resources have been attempted and used to assist residential school students.

The Bureau seeks the level of funding to enable it to exhaust all educationally sound remedial practices before turning to residential treatment centers. This does not suggest a policy that would exclude therapeutic intervention by psychologists, psychiatrists, and like specialists; they would constitute an integral part of the team that would address itself to the individual needs of a given student. In addition, such specialists would contribute their insights concerning student needs in general and the improvement of the total milieu of the school.

(24) Within five years there should be no need to send Alaskans to the "Lower 48" unless they prefer to be educated outside of Alaska. The Bureau of Indian Affairs supports the concept that Indian youth who must attend residential schools do so in a school near their home.

As more educational opportunities are made available in the State of Alaska, fewer Alaskan children will be attending schools in the "Lower 48" States. The foster boarding program in Anchorage, Alaska, has decreased the number of Alaskan children in Chemawa, Oregon, and Chilocco, Oklahoma. This decrease in Alaskan children will make it possible for more Northwest children to attend Chemawa as opposed to the Midwestern schools.

The Bureau's construction programing has requested more reservation schools which, when constructed, will decrease the necessity for Indian youth to attend residential schools far distant from their homes. The rapidity of this program will be determined by the approval of construction funding by the Congress of the United States.

(25) The Bureau agrees that the guidance and counseling program in BIA residential schools should be substantially expanded and improved. While 100 percent of the Bureau's guidance counselors, guidance specialists, and guidance supervisors meet the minimal Civil Service requirements for guidance staff, only 27 percent meet the State school counselor certification standards.

Professional guidance personnel should be available throughout the regular school day, evenings, and weekends.

Within the framework of Pupil Personnel Services, other professional and supportive specialized personnel should be available, such as school social workers, psychologists, special education, and student activities and recreation staff.

(27) The Bureau supports this recommendation. During this fiscal year, over $15 million in higher education grants are being expended to assist some 10,500 Indian students in post-high school programs. At present, the Bureau is unable to adequately provide stipends for student dependents. The Bureau does support graduate students. Undergraduate students, however, are given priorities.

(29) While it is the Bureau's policy to fund the student so that he may attend the school of his choice, the Bureau has funded a small number of schools in order to encourage institutions of higher learning to develop programs designed to meet the special concerns of Indian college students. At the present, the Bureau's funding level does not permit more than a very small number of such programs to be funded.

(30) The Bureau's higher education office maintains a liaison relationship with colleges enrolling large numbers of Indians, other scholarship associations, Office of Education (DHEW), Indian organizations, private scholarship associations, foundations, and many other related Bureau, Government, and State agencies. Pertinent information about scholarship opportunities is passed down to Area, Agency, and community levels through announcements, newsletter releases, and communications directly from the sources. The Bureau publicizes information about these opportunities in its publication, "Scholarships for American Indian Youth," which is revised periodically. The scholarship pamphlet has the largest circulation of any publication in the Bureau. There are presently 15,000 copies in print and over 10,000 have been distributed to counselors, teachers, centers, and in many cases to individual students.

Each Area Scholarship Officer carries on an extensive public relations program to assure that all Indian students within their Areas are informed of scholarship opportunities.

(34) The BIA supports the community college concept. The Bureau itself operates two institutions of higher learning; namely Haskell Indian Junior College and Southwestern Indian Polytechnic Institute. In addition, the Bureau provides technical support and limited fiscal support to non-Bureau institutions, such as Navajo Community College and the Sioux College Centers on the Rosebud and Pine Ridge Reservations. Additional post-high school programs on or near reservations would only encourage a greater number of Indian students to continue their education.

(35) The Bureau concurs in this recommendation.

Present funding levels enable the Bureau to participate in only a few cooperative college orientation programs. Additional funds would provide an opportunity to reach a greater number of students who need to participate in such programs as Upward Bound, Talent Search, and Special Services Programs.

(40) The Bureau concurs with this recommendation. A recent (September 1971) Bureau reorganization has transferred the Adult Education component to the Office of Education Programs. This transfer should serve to meld all education components within a logical continuum for optimum services.

(41) In the past, the BIA has supported the efforts of the Rough Rock School and expects to continue its support in the future. It is the Bureau's desire that other demonstration schools be instituted, profiting from the successes of Rough Rock and extending the impact of these model schools Bureauwide.

(46), (47) Many public school districts with substantial Indian enrollments are in desperate need of construction funds for new school facilities which they cannot provide from their own tax bases. Federal assistance is required to enable these districts to meet the needs.

(42) Close ties do exist with at least two dozen institutions of higher education through direct and indirect contact as well as mutual professional interface. Increased funding would make it possible to improve the impact of the talents of these institutions upon Indian education in such areas as: research, curriculum development, staff training, and leadership development.

(49) The Bureau feels that progressive steps have been taken to assure better accountability and evaluation although much remains to be done. States and local school districts are encouraged to provide evaluating services on a periodic basis so that a more careful assessment can be made of a school's program and its relation to funds expended in behalf of Indian children.

The matter of accountability and compliance is a critical aspect of JOM State programs. The Bureau has taken a long look at this aspect with a view toward strengthening support services to insure optimum services for the dollar spent.

The Bureau is presently revising the JOM guidelines in order to insure greater parental involvement and decision-making in the educational process.

(50) New contracts with States are including clauses supporting the establishment of local Indian advisory committees to work with local public school superintendents in determining JOM program needs. It is also possible to contract with tribal groups rather than State agencies for the administration of local JOM funds. By contracting directly with Indian groups, grassroots involvement becomes more effective. Three tribal groups currently administer State JOM programs.

(57) The authority under JOM is broad, but if strengthened accountability is to be a Federal function, there should be legislation on this point to clarify Federal/State relations in this sensitive area.

As I understand it the basic administration for Indian education has been transfered to your Albuquerque office. Could you tell me that relationship between BIA schools, the Albuquerque office, and the BIA in Washington?

Basic administration for Indian education has not been transferred to Albuquerque.

Some units of the Central Office of Education Programs are located in Albuquerque, but the Director of Education Programs and the basic administration remain in Washington. The units in Albuquerque are situated there, closer to the Indian schools, because their functions are generally oriented toward provision of technical assistance to the Area offices and the schools. These units report to a Field Services Administrator, who, in turn, reports to the Director of Education Programs in Washington.

The relationship between the Central Office of Education Programs and the schools is somewhat complicated. The line authority for the operation of the schools goes from the Commissioner to the Area Director to Agency and school superintendants -- with the Office of Education Programs in a staff position. The Director of Education Programs, however, is considered responsible for advising the Commissioner concerning the overall direction of the schools and he does control the budget allocations to the Areas for education programs.

Public Schools

The assessment of Indian education programs in public schools is more difficult for us to make. There is undoubtedly great variety in the quality of programs. The requirement that schools receiving JOM assistance must have a local Indian education committee involved in the planning, developing, and monitoring of the JOM programs has not only improved the special programs for Indian students, but has generally brought about greater participation by Indians in the overall school programs. We know of about 80 schools or school districts which now have predominantly Indian school boards.

One of the major problems now facing many public school districts with substantial Indian enrollments is school construction. Some of these districts simply do not have the tax base to provide needed new facilities. The funding of P.L. 815 has been inadequate to meet this need.

Program Assessments: Contract Schools.

I know that the BIA is attempting to encourage local control of BIA schools, but I have some serious reservations concerning the actual implementation of such programs. Let me as you a few questions:

1. Under your contract school program your objective is the establishment of local control, but aren't such schools still subject to BIA regulations which, in fact, reduces the scope of a local Indian school board to determine its own programs and regulations?

   The primary objective of a negotiated contract between the Bureau of Indian Affairs and a local Indian group serves to focus on community operation of a new or current school program. Under the terms of the contract—which is drawn subject to Federal Procurement Regulations—certain restrictions are inherent, as is the case with any government contract. The local Indian group, whether it be the Tribal Council or its school board, sets its own program goals and objectives based on its assessment of student needs. Certain minimum educational provisions are included to insure professional services to the students. Existing contract terms, to our knowledge, have not inhibited the active involvement and participation of Indian parents and students in operating their school program.

2. More specifically, why is it necessary to require a two-thirds majority to approve a referendum for establishing a contract school?

   This provision appeared in early working-drafts of the proposed Bureau manual release, 20 BIAM 6, Education Services Through Indian Organization. The final draft requires three major conditions: (a) a full Tribal Council resolution in support of the contract option; (b) an elected school board; and (c) a parental referendum on the negotiated document prior to signature. The referendum requires a simple majority for passage.

3. Why do you feel it necessary to impose so many reporting requirements? Can't you develop a system which won't prove burdensome to administrators?

Contract schools, under the proposed 20 BIAM 6, are required to submit quarterly reports to the Bureau Contracts Officer. These reports require information on pupil enrollment and attendance, progress toward achieving school goals and objectives, staff development, and enhancement of school-community relations. These reports are not considered burdensome, nor are they unrealistic for a contractual operation.

4. To establish a contract school you require that the contracting party meet certain specified guidelines. Don't you think that you should have to meet certain deadlines yourself so that there is enough time to allow the contract school to plan and prepare for the next school year?

Funding allocations for contractual school operations are part of the total Bureau appropriation. Hence, only tentative allocations can be made available to the schools for planning purposes. These amounts are, of course, subject to the appropriation of funds and negotiations. This year has shown some improvement in the scheduling of negotiation sessions for schools.

5. Does a contract school report to your new Albuquerque office or the Washington Office or both?

A contract school program reports to the designated Contract Officer or his designated representative. The Contract Officer may be at the Washington or Area Office level. His representative usually is located at the Area or Agency Office level.

Program Assessment: Teachers

I am deeply interested in the quality of teaching personnel in the BIA schools. Could you answer the following questions:

1. Generally, what is your present assessment of the teaching personnel in BIA schools?

The most recent study of Indian education (Robert J. Havighurst, University of Chicago) documented evidence of the teaching personnel in BIA schools. The study covers the attitudes of Indian students and parents toward their teachers as well as the attitudes of the teachers themselves toward their Indian students and their schools. According to the Havighurst report, when asked, "how well does your teacher do his job?" the students gave rather favorable answers. Forty-one percent were slightly positive, saying such things as "most of them are all right." Forty-four percent were definitely more favorable making such comments as "most of them are pretty good."

A survey of parental attitudes toward teachers reflects similar feelings: "When asked their opinion of the teacher's performance (e.g., "How well is the teacher doing?") Thirty eight percent of the parents were slightly positive and 49% were definitely favorable."

Since a prime factor in good teaching is a positive attitude toward one's students, the positive attitude expressed by the majority of teachers interviewed by the study is pertinent. According to Havighurst, despite the popularly-held idea that teachers of Indian children are prejudiced against them, "most teachers see their Indian students as having special problems in school due to their socio-economic and cultural circumstances, but few feel that these students cannot learn and most appear to like their Indian pupils." In response to a question about the attitude of teachers toward their job, the majority of ratings were favorable or very favorable, and definitely more favorable than ratings given by Chicago public school teachers in 1964 when answering the same question.

It should also be noted that although the Havighurst study included a sample from Public day schools, BIA Day schools, BIA Boarding Schools, and Mission schools, the positive attitude is not only valid for BIA schools, but shows that the most positive evaluations come from some of the more isolated Bureau schools, whereas the most negative comments about both schools and teachers come from the more acculturated public junior and senior high school students.

2. What is the level of educational attainment of BIA teachers?

According to the most recent study of the characteristics of the Bureau's teaching staff, conducted by the BIA's Office of Research and Evaluation, more than 92% held the baccalaureate or a higher degree. Twenty percent had attained the masters degree and only 7.5% were without degrees. Many in this last category were "spouse" teachers in very isolated communities or vocational instructors who were journeymen in their respective crafts. 83.2% of the teachers held teaching certificates. Over 55% of the teachers had taught 10 years or less. The modal interval was 2-5 years (28.7%). Only 8.2% were in their first year and almost 10% had taught for more than twenty years.

3. What is the rate of turnover for BIA teachers?

The BIA's most recent study indicates an annual turnover rate to be in the range of 23% to 25%. According to the Office of Research of the National Education Association, this compares to an average of 18.9% in public schools across the country. This includes turnover from resignation, retirement, death, promotion, dismissal and transfer within the system.

4. What programs has the BIA developed to insure continuity in teaching personnel in BIA schools?

Competitive salary scales, a generous education and annual leave policy, and an excellent retirement plan are considered by the Bureau to help offset the disadvantages of isolation, language problems, and other inherent difficulties in working on reservation schools. In addition, the Bureau funds training for over 300 paraprofessionals which will enable them to advance from their present positions to professional status. Their salaries, tuition and other fees are paid by the Bureau during summer sessions (evening courses are pursued during the school year). Approximately 100 paraprofessionals from BIA schools and 200 paraprofessionals (under Johnson-O'Malley funding) in public schools are taking advantage of this kind of training at the present time. It is felt that this kind of program should help to provide a continuity in Indian education in both Federal and public schools.

5. Has the BIA worked with colleges and universities to develop a curriculum for teachers who are interested in teaching Indians?

The major portion of the Bureau's Higher Education allocation is used to fund Indian students. A small amount of the Higher Education fund is, however, used to fund a number of universities and colleges who are developing programs designed for individuals interested in teaching Indians. The Bureau currently funds small experimental programs at Arizona State University, Fort Lewis College, the University of Georgia, and the Universities of North and South Dakota. The programs of these schools have a cultural orientation and include courses which provide background in Indian languages, history, ESL and teaching methodology in general. NAU has a course in conversational Navajo. Although not one of the Bureau's programs, it should be mentioned here that the University of Arizona at Tempe offers a degree in Indian Education. The BIA has followed the development of this program with great interest.

6. Has the BIA given any consideration to changing Civil Service Regulations governing teacher employment and tenure?

The question of a change in Civil Service status for its teachers is being closely examined by the Bureau, however, no resolution has been reached at this time.

Could you explain to the Committee the role of the National Indian Education Advisory Committee? What has it accomplished? and what changes in program or administration have occurred because of its recommendations?

In 1967, then Commissioner Bennett appointed a 16 man committee representative of all major geographic areas in the country to consult with and advise him and the Director of Education Programs on all aspects of the Bureau's education program. Every attempt has been made to involve the Committee in every major educational program development. The attached pamphlet outlines some of the activities of the Committee including two nationwide workshops on school board training, presentations before budget committees, participation in the development of the Bureau's early childhood education program, etc. They have also performed a number of program reviews at a variety of Bureau-operated schools at the request of the BIA or concerned Indian parents.

Indian Participation in Program Planning at Federal Level.

In the testimony before the Education Subcommittee last year, it was indicated that the National Indian Education Advisory Committee played an important role in budget preparation. Could you outline the Committee's role and what it contributed in developing the budget.

For the past couple of years, members of the National Indian Education Advisory Committee, Subcommittee on Budget and Legislation, have testified on behalf of the Bureau's budget before the Department and the Office of Management and Budget. For the past 4 years education budget material has been a regular part of the agenda for each of the quarterly meetings of this committee. This presentation has been for purposes of informing the committee and for obtaining their input. On at least one occasion during this period of time the committee actually had a specially called 2-day meeting to deal specifically with the Bureau's education budget presentation. Members have contributed information on certain Area needs and suggested priorities in keeping with the views of Indian people.

Has your agency had any contact with the NCIO Subcommittee on Indian Education?

Both agencies' activities concerning Indian education necessitates a continuous relationship between the two agencies. In addition, the charges and activities of the NCIO Special Education Subcommittee parallels and at times duplicates the activities of the Bureau's own National Indian Education Advisory Committee requiring coordinating efforts between the three groups. Joint meetings have been held and will continue to be held when needed.

Department letter of position on S. 2724.

It is clear that two basic objections arise over S. 2724. One is that if enacted, S. 2724 would cause a "serious fragmentation of responsibility for Indian affairs," and is "squarely opposed by the Indians."

1. Could you explain to the Committee how S. 2724 would "fragment responsibility for Indian education"?

The Departmental letter relative to S. 2724 states that "the transfer of education programs to the National Board would cause a serious fragmentation of the responsibility for Indian affairs." The National Board of Regents for Indian Education is the major restructing tool for S. 2724. It would assume direction and control of the Bureau of Indian Affairs schools, and would be an autonomous entity outside of the Bureau structure. To remove education from the Bureau is to move a major activity out of the Bureau of Indian Affairs, thus "fragmenting" the Bureau's traditional functions (Education, Welfare Services, Resources Management and Construction). In addition, Indian people would have yet another agency to look to for service.

2. Can you provide the Committee with any statements which would provide support for the contention that S. 2724 is "squarely opposed by the Indians?" The Departmental letter states that "the transfer of education programs to the National Board would cause a serious fragmentation of responsibility for Indian affairs and is squarely opposed by the Indians." As evidenced by the testimony given on S. 2724, H.R. 5937, S. 1401, and Amendment No. 6 to S. 659, Indian leaders are not opposed to these bills in their entirety but were, however, opposed to the idea of transferring educational functions out of BIA. During these hearings Indian leaders verbalized their belief that the BIA embodies the fiduciary responsibility and obligation of the United States for Indian people, and that the dismantling and removal of the Bureau's traditional functions would dilute that trust responsibility. The primary difficulty with S. 2724 for many Indian leaders who testified centered on Title I— not so much with the concept of a National Board of Regents but with the idea of transferring education completely out of the Bureau of Indian Affairs.

BIA School Construction Needs.

1. At this time, could you tell me the extent of your needs for additional facilities in BIA schools?

BIA school construction needs are acute. Present BIA school construction needs total approximately $[illegible]. The attachment entitled "BIA School Construction Needs" provides not only an area-by-area breakdown but demonstrates the need for additional construction funds.

2. Is the BIA making any effort to lend its support, as an Indian advocate, to acquire the necessary funds for needed construction projects in BIA schools and those public schools serving a large number of Indian children? If not, don't you think that as the major agency representing Indian interests in education that you should be willing to mobilize your resources on behalf of this critical need?

Yes. The BIA makes every effort to lend its support to acquire the necessary funds for needed construction projects in BIA schools and those public schools serving a large number of Indian children. The BIA is aware of the large increase in the number of Indian students in school today. The Bureau is also aware of the low level of funding under P.L. 81-815, and how this factor has affected many school districts. The BIA is in sympathy with the public school districts' search for financial aid to meet the needs of educating not only the Indian children attending public schools but other children as well.

In the past, funds have been added to the Bureau's appropriations by Congressional action to meet the construction needs of a few individually specified public school districts with large Indian enrollments. Due to the current financial crisis in education, many more public school districts are requesting financial assistance for construction through the Bureau of Indian Affairs. The Bureau will continue to assist public school districts in this manner. This approach, however, is only a stopgap measure to a serious problem. The need for assistance for public school construction is acute, requiring both long long-range and immediate solutions. Obviously the long-range solution is to find some equitable vehicle for providing Federal assistance to needy public school districts with large numbers of Indian school children. This can be done by improving the presently HEW-administered Act, Public Law 81-815, as a vehicle for providing Federal funding for public school construction. Many of the problems inherent in P.L. 81-815 and the constant under-funding of this act would be solved in districts with high concentration of Indian students if P.L. 81-815 were developed in such a way that would command the general acceptance of both the Congress and the Executive Branch. The Bureau would (and has done so in the past) support efforts to increase P.L. 81-815 appropriations.

BIA SCHOOL CONSTRUCTION NEEDS

PROJECT LOCATION	PROJECT DESCRIPTION	PROJECT COST
Aberdeen Area		
Wanblee, S.D.	500 Pupil K-12 Day Sch., 25 Qtrs.	$6,160,000
Pine Ridge, S.D.	J.P.&E Facility	1,840,000
Fort Totten, N.D.	450 Pupil Day H.S., 34 Qtrs.	4,370,000
Fort Thompson, S.D.	J.P.&E Facility	1,840,000
Lower Brule, S. D.	J.P.&E Facility	1,840,000
Pine Ridge, S.D.	800 Pupil Elem. Day Sch.	8,000,000
Pine Ridge, S.D.	800 Pupil H.S., Dorms for 400, 12 Qtrs.	8,710,000
Ft. Yates, N.D.	800 Pupil Elem. Bdg. Sch., 13 Qtrs.	12,300,000
Ft. Thompson, S.D.	Elem. Expan., H.S. (250 Pupils)	3,320,000
Lower Brule, S.D.	260 Pupil K-12, Day Sch., 16 Qtrs.	2,360,000
Cherry Creek, S.D.	100 Pupil K-8, Day Sch., 2 Qtrs.	1,230,000
Red Scaffold, S.D.	80 Pupil K-8, Day Sch., 2 Qtrs.	1,140,000
Bridger, S.D.	40 Pupil K-8, Day Sch., 2 Qtrs.	775,000
Bismarck, N.D. (United Tribes)	20 Solo Parent Apts.	930,000
Little Eagle, N.D.	180 Pupils, K-8, Day Sch., 24 Qtrs.	2,690,000
Sisseton, S.D.	Stu. Resident Ctrs., 8 Cottages	1,020,000
Albuquerque Area		
S.I.P.I. (Complete Ph. II)	Dorms for 250, Trades, Swimming Pool, etc.	6,110,000
Acomita, N.M.	650 Pupil Elem. Day Sch.	5,460,000
Ramah, Navajo, N.M.	Agency Complex, Warehouse, etc.	3,320,000
Ramah, Navajo, N.M.	580 Pupil Sch., Dorm for 400, 77 Qtrs.	11,100,000
San Felipe, N.M.	580 Pupil K-8 Day Sch.	4,620,000
Albuq. Indian School, N.M.	Kitch-Dining Bldg. for 600	750,000
Santa Clara Day Sch., N.M.	150 Pupil Day School	1,430,000
Mescalero, N.M.	Student Resident Ctr. & Kit. Din.	3,230,000
Ignacio Dorm, Colo.	150 Pupil Boys Dorm.	1,400,000
Ignacio, Colo.	Agency Warehouse & Strg. Yard	380,000
Ignacio, Colo.	Replace Deomestic Waterline	130,000
Ignacio, Colo.	Fire Detection Tower	125,000
Ignacio, Colo.	Dorm Had'n	360,000
San Juan Day School, N.M.	100 Pupil K-6 Day Sch.	1,100,000
Isleta Sch. & Off., N.M.	400 Pupil Day Sch. & Offices	3,130,000
Jemez, N.M.	300 Pupil Day Sch. & P.M. Shop	2,960,000
Zia, N.M.	225 Pupil Day Sch.	2,690,000

PROJECT LOCATION	PROJECT DESCRIPTION	PROJECT COST
Albuquerque Area Con't.		
Taos, N.M.	230 Pupil K-9 Day Sch.	3,220,000
Taos, N.M.	P.E. Shower Rm for 230 Pupils	60,000
San Ildefonso, N.M.	55 Pupil K-6 Day Sch.	1,080,000
Tesuque, N.M.	30 Pupil Day School	675,000
Jicarilla, N.M.	Rehab. Center	635,000
Jicarilla, N.M.	Standby Generator Plant	45,000
Jicarilla, N.M.	Shop & Warehouse for Forestry	185,000
Zuni, N.M.	Multi-Purpose for Community	1,430,000
Mescalero, N.M.	Foster Home Dorm.	165,000
Mescalero, Carrizo Can.	Fire Guard Station, 1 Qtrs.	70,000
Mescalero, N.M.	13 Qtrs.	610,000
Ignacio, Colo.	250 Pupil Kitchen-Dining	330,000
Mescalero, Silver Canyon	Fire Guard Station & Qtrs.	70,000
Mescalero, Ruidoso Canyon	Fire Guard Station & Qtrs.	70,000
Mescalero, Apache	Warehouse & Shop w/Equip't Strg.	540,000
Mescalero, N.M.	Add'n. to Agency Office	400,000
Mescalero, White Tail	Fire Guard Station & Qtrs.	70,000
Mescalero, White Tail	Storage Bldg.	20,000
Mescalero, N.M.	Adult Correctional Center	1,110,000
Albuquerque Indian School	12 Crs., Offices, 3 Shops	1,220,000
Southern Pueblos, N.M.	Office Bldg.	1,250,000
Albuquerque Indian School	Gym for 1,000	2,070,000
Albuquerque Indian School	Dorm for 250	2,090,000
Albuquerque Indian School	Auditorium for 1,000	1.150,000
Anadarko Area		
Chilocco, Oklahoma	Planning	600,000
Haskell, Kansas	Dorms for 1,024, Married Hsg., Remodel	13,820,000
Haskell, Kansas	Environmental Health (H.E., Nursing, etc.)	3,050,000
Haskell, Kansas	Remod. & Add'n to Bldg. 50	1,230,000
Haskell, Kansas	Field House	4,560,000
Haskell, Kansas	Fine Arts Bldg.	3,080,000
Riverside, Oklahoma	Design	400,000

PROJECT LOCATION	PROJECT DESCRIPTION	PROJECT COST
Billings Area		
Northern Cheyenne, Mont.	250 Pupil H.S.	3,905,000
Busby, Mont.	Music & Indus. Arts Addition to Elem. Sch.	940,000
Central Office		
Inst. Amer. Ind. Arts, N.M.	200 Pupil Auditorium for Drama	3,760,000
Inst. Amer. Ind. Arts, N.M.	240 Pupil Film Center	1,240,000
Inst. Amer. Ind. Arts, N.M.	400 Pupil Profess'l Resource Ctr.	430,000
Inst. Amer. Ind. Arts, N.M.	150 Pupil Music Bldg.	1,110,000
Juneau Area		
Alakanuk, Alaska	6 CR's Sch. & Facilities at New Village	3,350,000
Shaktoolik, Alaska	3 CR's, M-P, K-D, Storage, duplex	2,170,000
Barrow, Alaska	400 Pupil H.S., 180 Pupil Dorm, 12 Qtrs.	7,420,000
St. Michael, Alaska	3 CR's Sch., M-P, K-D, Storage, duplex	1,900,000
Pilot, Station, Alaska	1 CR, Kit., 1 Qtr.	480,000
Kotlik, Alaska	2 CR's, 1 Qtr.	710,000
Mt. Village, Alaska	Kinder., 2 CR's, Spec. Educ.	730,000
Kotzebue, Alaska	H.S. 6 CRs, TV Station, 6 Plex	1,900,000
Gambell, Alaska	2 CR, Sch., M-P, Kit., 1 Qtr.	1,280,000
Galena, Alaska	4 CRs, Sch., M-P, Kit., Duplex, Remod.	2,220,000
Kwigillingok, Alaska	4 CRs, M-P, Kit., Duplex	1,370,000
Kalskag, Alaska	4 CRs Sch., M-P, Kit.	1,370,000
Emmonak, Alaska	2 Crs, Warehouse	990,000
Hooper Bay, Alaska	2 CRs, Gym, IMC, 1 Qtr., Play Deck	3,360,000
Metlaktla, Alaska	1 Qtr. for Forestry	145,000
Unalakleet, Alaska	150 Pupil Elem. Sch., Gym, K-D, Duplex	4,390,000
Beaver, Alaska	2 CRs Sch. & Qtrs.	1,280,000
Eek, Alaska	2 CRs, M-P, Kit.	1,680,000
Mt. Edgecumbe	Rehab. of Educ. & Support Facilities	4,450,000
Mekoryuk, Alaska	Spec. Educ. CR	125,000
Wrangell, Alaska	Gym, Swimming Pool, Covered Play	2,760,000
Wainwright, Alaska	Multi-Purpose Room	1,140,000
Goodnews Bay, Alaska	Multi-Purpose Room	1,500,000
Lower Kalskag, Alaska	1 Classroom	130,000
Toksook Bay, Alaska	2 CRs, Kit, M-P	1,730,000
Napaskiak, Alaska	1 Classroom	100,000
Kipnuk, Alaska	Kinder.	125,000
Chifornak, Alaska	Kinder.	125,000
Kiana, Alaska	2 CRs, M-P, Kit., 1 Qtr.	1,120,000

PROJECT LOCATION	PROJECT DESCRIPTION	PROJECT COST
Juneau Area (Cont')		$
Stebbins, Alaska	Multi-Purpose Room	730,000
Elim, Alaska	Multi-Purpose Room	730,000
Wrangell, Alaska	4 Qtrs., Laundry, Storage	450,000
Wrangell, Alaska	P.M. w/shops & office	200,000
Quinhagak, Alaska	Multi-Purpose Room	760,000
Nunapitchuk, Alaska	Multi-Purpose Room	760,000
Kipnuk, Alaska	Multi-Purpose Room w/Kitchen	730,000
Tununak, Alaska	Diet Kitchen	230,000
Pilot Station, Alaska	Diet Kitchen	230,000
Mekoryuk, Alaska	Warehouse	145,000
Kwethluk, Alaska	Warehouse	1,800,000
Nunapitchuk, Alaska	Gym & Play Deck	1,010,000
Minneapolis Area		
Red Lake, Minn.	Sch. Add'n - Gym & IMC for 700, Bus G.	2,330,000
Sac & Fox, Minn.	K-8 Sch., Community spaces	2,490,000
Red Lake, Minn.	Agency - 8 3-bedr. housed w/gar.	325,000
Red Lake, Minn.	Agency - 3 2-bedr. houses w/gar.	125,000
Muskogee Area		
Seneca, Oklahoma	2 CRs, 2 spec. Ed., music, shop, labs	1,030,000
Sequoyah, Okla.	H. S. add'n - CRs, remod., 2-128 pupil dorms.	1,260,000
Jones Academy, Okla.	M-P, student union, dorm add'ns.	4,410,000
Navajo Area		
Irrigation Project	Offs., shop, w-h, Qtrs., etc.	1,370,000
Sawmill, Ariz.	Repair shop	2,590,000
Crownpoint, N.M.	H.Q. expan.	495,000
Shiprock, N.M.	28 Qtrs.	1,100,000
Ft. Defiance, Ariz.	14 Qtrs., offices, A/C old offcs.	760,000
Shiprock, N.M.	H.Q. Office Bldg.	1,010,000
Shiprock, N.M.	8 Qtrs.	320,000
Crownpoint, N.M.	117 Qtrs., 33 garages	4,470,000
Window Rock, Ariz.	Closed circuit TV (all schools)	130,000
Pinon, Ariz.	Multi-Purpose Rm., 20 Qtrs., A/C dorms, offices, CRs.	2,460,000

PROJECT LOCATION	PROJECT DESCRIPTION	PROJECT COST
Navajo Area (Cont')		$
Cottonwood, Ariz.	10 Qtrs., A/C CRs, offices, etc.	395,000
Red Rock, Ariz.	46 Qtrs.	1,780,000
Kinlichee, Ariz.	21 Qtrs.	825,000
Kinlichee, Ariz.	7 Qtrs.	280,000
Chilchinbeto, Ariz.	5 Qtrs.	200,000
Lukachukai, Ariz.	30 Qtrs., 4 Crs, swim. pool	2,240,000
Aneth, Utah	28 Qtrs.	1,100,000
Hunters Point, Ariz.	19 Qtrs., 2 offices, L.S. campus, A/C dorm, kitchen	1,160,000
Red Lake, Ariz.	4 CRs, IMC for 300, Qtrs.	675,000
Rough Rock, Ariz.	Swim. pool, 20 Qtrs., 4 CRs, etc.	1,870,000
Cove, Ariz.	13 Qtrs.	510,000
Wide Ruins, Ariz.	1 CR, IMC, offices, Qtrs.	585,000
Dennehotso, Ariz.	23 Qtrs.	930,000
Many Farms, Ariz.	50 Qtrs., swim. pool,etc.	2,650,000
Beclabito,N.M.	10 Qtrs.	395,000
Crystal, Ariz.	8 Qtrs., M-P, dorm, K-D, IMC, etc.	1,540,000
Leupp, Arizona	60 Qtrs.	2,320,000
Many Farms H.S., Ariz.	50 Qtrs., Air cond., swim. pool	2,770,000
Toadlena, N.M.	12 Qtrs.	345,000
Greasewood, Ariz.	48 Qtrs., Aud., swim. pool, A/C	2,700,000
Chinle, Ariz.	50 Qtrs., Air cond., swim pool, etc.	2,770,000
Shiprock, N.M.	84 Qtrs.	3,310,000
Dilcon, Ariz.	42 Qtrs., 5 CRs, swim pool, etc.	2,510,000
Nazlini, Ariz.	7 Qtrs., M-P, IMC, 4 CRs, A/C	1,530,000
Teecnospos, Ariz.	85 Qtrs.	3,350,000
Rock Point, Ariz.	20 Qtrs., A/C school & dorms.	935,000
Nenahnezad, N.M.	28 Qtrs.	1,140,000
Low Mountain, Ariz.	10 Qtrs., M-P, IMC, A/C	1,530,000
Sanostee, N.M.	59 Qtrs.	2,350,000
Tohatchi, N.M.	20 Qtrs. & CRs, M-P, swim. pool	2,920,000
Nenahnezad, N.M.	12 CRs, IMC, Spec. Ed., music	1,070,000
Shiprock, N.M.	1,024 pupil bdg. H.S.	18,990,000
Shiprock, N.M.	264 Qtrs.	10,290,000
Intermountain, Utah	Post Secondary Voc. & Tech.	4,250,000
Kaibeto, Ariz.	Shop & Home Ec.	410,000
Shonto, Ariz.	Shop & Home Ec.	410,000
Leupp, Ariz.	Shop & Home Ec.	410,000
Dennehotso, Ariz.	Science Labs & CRs, Voc.	260,000
Red Lake, Ariz.	Voc., Culture Ctr., M-P	260,000
Canoncito, N.M.	Kinder., M-P, 150 pupil dorm, etc.	3,280,000
Navajo Mtn., Utah	300 pupil bdg. sch.	4,870,000
Crownpoint, N.M.	1,000 pupil H.S.	18,260,000
Ft. Defiance, Ariz.	1,000 pupil H.S.	18,260,000
Dzilth-Na-O-Dith-Hle, N.M.	23 Qtrs.	930,000

PROJECT LOCATION	PROJECT DESCRIPTION	PROJECT COST
Phoenix Area		
Sherman, Calif.	H.S. Phase II	7,300,000
San Carlos, Ariz.	Rehab. Ctr.	760,000
Hopi, Ariz.	Second Mesa H.S. for 350	3,450,000
Ft. Apache, Cibecue, Ariz.	5 CRs add'n to Day Sch.	330,000
Hopi, Keams Canyon, Ariz.	500,000 gal. water tank	90,000
Phoenix Ind. Sch., Ariz.	Gym, Aud., K-D, 2 dorms, st. ctr., etc.	4,870,000
Ft. Apache, Cibecue, Ariz.	6 Qtrs. @ Day Sch.	280,000
Truxton Canyon, Ariz.	4 CRs, 2 duplexes, 1 house	320,000
Papago, Vaya Chin, Ariz.	2 Kinders, 2 Qtrs.	220,000
Hopi, Keams Canyon, Ariz.	Replace Domestic Waterline	380,000
Papago, Kerwo, Ariz.	Kinder. '76, 1 Qtr.	1,160,000
Papago, Kohatk, Ariz.	Kinder. '77, 1 Qtr	1,160,000
Papago, San Simon, Ariz.	2 Kinder. '78, 2 Qtrs.	1,600,000
Ft. Apache, JFK, Ariz.	2 CRs	95,000
Ft. Apache, JFK, Ariz.	2 Qtrs.	85,000
Hopi, Polacca, Ariz.	2 Qtrs.	85,000
Ft. Apache, T Roosevelt,AZ.	Music Room	116,000
Ft. Apache, Cibecue, Ariz.	H.E. @ Sch.	110,000
Ft. Apache, Cibecue, Ariz.	Shop bldg.	190,000
Ft. Apache, Cibecue, Ariz.	4 Qtrs.	160,000
Ft. Apache, Cibecue, Ariz.	Music bldg.	116,000
Hopi, Keams Canyon, Ariz.	8 Qtrs.	320,000
Hopi, Second Mesa, Ariz.	7 Qtrs.	280,000
Hopi, Moencopi, Ariz.	2 Qtrs.	85,000
Hopi, Hotevilla, Ariz.	3 Qtrs.	125,000
Hopi, Oraibi, Ariz.	2 Qtrs.	85,000
Hopi, Keams Canyon, Ariz.	Standby Well	80,000
Colo. River, Ft. Yuma	Detention - Rehab.	760,000
Salt River, Salt River,Az.	K-6 Elem. Sch.	2,240,000
Portland Area		
Chemawa, Oregon	1,000 pupil bldg. H.S.	18,260,000

BIA and HEW Agreement of Understanding.

In April of last year the BIA and HEW signed an agreement of understanding regarding the administration of Title I programs of the Elementary and Secondary Education Act of 1965. I would like to ask some questions concerning the implementation of that agreement.

1. Are you now or planning utilizing the results of annual evaluations to improve future programs?

Each local educational agency submits to the Central Office an annual evaluation report on each project it operates. These reports are then compiled and summarized. Having been disseminated throughout the Bureau, the report is utilized as an instrument for improved Title I programs. Attached is a copy of the current L.E.A. Title I Evaluation Report Form.

2. Under the agreement BIA is to be responsible for the establishment of parent councils as required by Title I. What progress have you made in the implementation of this program? What have been the results of parent involvement in Indian education programs?

Area and Assistant Area Directors, Education and Title I Coordinators, have been made aware of their responsibility to establish Title I parent councils. To date, each school with a Title I program has established a parent council. Currently there exists 152 parent councils. Four have become operative within the last 5 months. The Aberdeen Area Office has established 29 parent councils, Albuquerque has established nine, Anadarko four, Billings one, Juneau 11, Muskogee two, Navajo 60, Phoenix 20, Portland one, Central Office schools 11, for a total of 152 parent councils. There has been no official report on the results of parental involvement. The positive effects of current Title I programs have, however, enhanced many of these programs. It is anticipated that some form of report will be requested after the close of the present year.

3. What progress have you made in training members of Title I Parent Councils?

The training of parental council members is a requirement; consequently, most local educational agencies have some type of training program. When requested by the Area Office or by a local agency, the Central Office has participated in training programs designedto fill the training vacuum in remote or new Title I program sites or to expand the training program of a local agency.

QUESTION 1

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
OFFICE OF EDUCATION PROGRAMS
FIELD SERVICES OFFICE
P.O. BOX
ALBUQUERQUE NEW MEXICO 87103

IN REPLY REFER TO:
Education

April 4, 1972

Memorandum

To: All Area Directors
Attention: Assistant Area Director, Education and Title I Coordinator

From: Acting Field Services Administrator

Subject: Annual L.E.A. Title I Evaluation

We are requesting your assistance in securing the annual evaluation report on each Title I project in your Area.

A sample of the report format is enclosed and you may use it to reproduce as many copies as needed for your Area.

You are requested to forward to this office, no later than July 30, 1972, three (3) copies of the report submitted by each L.E.A.

Your immediate attention and action concerning this request will be appreciated.

Warren I. Tiffany
Acting Field Services Administrator

Enclosure

BUREAU OF INDIAN AFFAIRS

L.E.A. TITLE I EVALUATION REPORT

(SEE INSTRUCTIONS ON LAST PAGE)

School Year 19____ - 19____ Regular________ Summer ______

Area____________________________ BIA Agency ________________

L.E.A. ____

Project Title ____

FY '71 Title I Funds: WO # ____________ Amount $______________

FY '72 Title I Funds: WO # ____________ Amount $______________

Total of 1971 and 1972 Title I Funds in Project $______________

Report submitted by ____________________________

Date ____________________________

Noted: ____
(Parent-Council Representative)

Noted: ____
(Agency Superintendent)

The primary purpose of this report is to provide the Central Office (State education agency) with data that will enable the Bureau to meet the requirements of the law and regulations in reference to the report that must be submitted to the U. S. Office of Education relative to annually "evaluating the effectiveness of the .... project of ..... local educational agencies .... in improving the educational attainment of educationally deprived children." (Sec. 116.31(f)).

The report does not in any way take the place of any other evaluation data or report that may be required by any Area Office, or of any other data that may be required by the Central Office prior or subsequent to this submission.

EVALUATION REPORT

Complete for each Component
(To be taken directly from Project)

Note: 1972 projects were to have been written so as to provide a single objective for a specific target group in each component. In some projects, however, this format was not followed, with the result that in some cases a single component had several objectives and several target groups.

If your project falls into this latter group you are to complete one copy of this sheet for each objective and its target group.

1. Statement of deficiency, including causes or problems, for the target group identified below.

____

____

____

____

2. Statement of objective for this target group.

____

____

____

____

3. Identification of target group.

- Number ______________ Grade Level ______________

____

____

____

____

EVALUATION REPORT

Statement of Activities

Component Number: ______________________________
(Complete one copy of this page for each Activity within the component)

1. Problem being worked on by this Activity.

____

____

2. Kind of Activity:

Supportive ______________ Instructional ______________

3. **Students**

Number of students in Activity: ______________

Extent of participation (amount of time per student daily, weekly, etc.)

____

4. **Staff** (Title I funded only):

Kind	Full-time equivalent
______________	______________
______________	______________
______________	______________

5. Give short description of Activity.

____

____

____

____

6. Effect of Activity relative to the problem being worked on.

____

____

____

Evaluation - for each objective and target group.

Note: 1972 projects were to have been written so as to provide a single objective for a specific target group in each component. In some projects, however, this format was not followed, with the result that in some cases a single component had several objectives and several target groups.

If your project falls into this latter group, you are to complete one copy of this sheet for each objective and its target group.

Objective (comparing statistics on pre-post testing).

a. Objective reached or surpassed?

Yes __________ No __________

b. If objective was surpassed, to what percent?

c. If objective was not reached, what percent was attained?

d. How does achievement by target group compare with normal achievement at this L.E.A.?

Recommendations: Relative to the Project and its Activities.

a. For future use by the local L.E.A.

____

____

____

____

____

____

____

b. For future use by other L.E.A.'s

____

____

____

____

____

____

____

Note: Any charts - graphs - comments, discussion, etc., relative to any of the preceding may be attached if you desire; however, it is not required.

Instructions relative to completing the Evaluation Report.

Page 1. School Year regular means the regular session September through May (June). Summer refers to the months of June, July, and August when school is not normally in session. The extra spaces on "WO" numbers and Title I funds provided are for those projects funded from more than a single year.

Page 2. This information may be taken directly from the project.

Page 3. This page is to be completed for each activity within the component.

Page 4. Self explanatory.

Page 5. Please be very objective in completing this page.

INSTRUCTIONS

Attached hereto is the On-Site Monitoring Check List which is to be prepared for each monitoring visit conducted by the Central Office. This Check List shall be completed and officially submitted to the Title I Central Office immediately after each visit is completed.

1. The statistical abstract (Part I) is to show the relevant statistical data presented in the project application, and then is to reflect the actual situation at the time of the review. It is to be used as a check for general consistency with the application and as a ready-reference during the review.

2. While the program director and his staff represent a prime source, the information used to complete Part II must be derived from other sources as well. Interviews should include, besides the program director, such persons as the superintendent, principal, specialists, teachers, private school, representatives, members of parent councils, teacher aides, community agency representatives, school board members, and children.

3. Each section provides a space for the person making the visit to indicate his judgment regarding the need for assistance and/or improvement. Judgments in this area should not be limited to decisions about compliance with the law. It is intended, also, to provide an opportunity to assist the LEA in instituting desirable policies and procedures.

4. Each section contains questions which presuppose a rather thorough knowledge of Title I laws and regulations. If the persons making the visit include specialists who are not familiar with Title I, they should be made aware of these questions and let those items be handled by the Title I personnel.

4. Has BIA contracted for a cross-section evaluation of all BIA Title I program or agency projects; and, if so, what have been the results of those evaluations?

The BIA has not contracted for a cross-section evaluation of its Title I programs. The Bureau, however, is conducting its own evaluation as allowed by the Bureau's and OE's Memorandum of Understanding.

5. To what extent has the BIA monitored BIA Title I projects? Could you explain the process by which such projects are monitored?

During the past year, the BIA has monitored 81 of the current projects. Each onsite visit has been conducted by two representatives from the Central Office, accompanied by one representative of the Area involved. Each onsite visit ran from a minimum of 1 day to a maximum of 4 days. However, most visits were completed in 2 days. In each case, an "Onsite Monitoring Check List" was completed and reviewed with those responsible for the project at the local education agency. See attached form entitled "Onsite Monitoring Checklist."

6. Has BIA combined its Followthrough Projects with special activities for the same pupils under Title I?

Yes. All personnel concerned with Title I and Followthrough Projects have been notified that Title I/ESEA funds must be used in conjunction with Followthrough funds granted under the EOA. See attached memorandum date March 30, 1971, relating to "Title I and Followthrough."

7. Has the BIA received any complaints relative to the Title I program; and, if so, what was the nature of those complaints? How were the complaints resolved?

No official complaints have been received. Inquiries relative to allocation of funds, however, are frequently received and are immediately answered.

8. Has the Office of Education identified any areas for adopting changes in programs? If so, how has the BIA responded?

The Office of Education does not directly seek and identify problem areas in BIA Title I programs. Contact, however, is maintained by the Bureau and the U.S. Office of Education for the purpose of clarifying and interpreting regulations and guidelines. Through these clarifying memorandums Title I projects are modified to insure that projects are [illegible] with Title I guidelines. These memorandums also provide

9. To what extent has the BIA disseminated the Memorandum of Agreement between the BIA and HEW?

The Memorandum of Understanding was distributed through the Bureau's distribution channels to all local education agencies and parent councils.

QUESTION 5

(OFFICIAL COPY)

ON-SITE MONITORING CHECK LIST

TITLE I-ESEA

BUREAU OF INDIAN AFFAIRS

Name of LEA (or School) ______________________

Agency ______________________

Area ______________________

Project Work Order Number(s) ______________________

Title of Project ______________________

Date of Visit ______________________

Names of Members of the Monitoring Team:

1. ______________________
2. ______________________
3. ______________________

Names of Persons Designated to Assist the Monitoring Team:

1. ______________________
2. ______________________
3. ______________________
4. ______________________
5. ______________________
6. ______________________

ON-SITE MONITORING CHECK LIST

TITLE I-ESEA

BUREAU OF INDIAN AFFAIRS

Name of LEA (or School) ____________________

Agency ____________________

Area ____________________

Project Work Order Number(s) ____________________

Title of Project ____________________

Date of Visit ____________________

PART I

STATISTICAL ABSTRACT (PAGE 1)

INSTRUCTIONAL ACTIVITIES	NUMBER OF CHILDREN PARTICIPANTS					
	B.I.A. SCHOOL CHILDREN			Private School Children	Total Children	Grade Span
	Pre-School	Elementary	Secondary			
Arts (music, graphics, etc.) Specify:						
Language Arts (Except Reading)						
Reading						
Language Instruction (ESL/Bilingual Programs)						
Vocational and Industrial Arts						
Mathematics and Natural Science						
Social Science and Humanities						
Physical Education						
Special Activities for Physically handicapped						
Special Activities for Mentally Retarded						
Dropout Programs						
Cultural Enrichment Specify:						
Other Instructional Activity (Specify):						

NOTE: Complete in advance of the visit the upper left section of each block, when applicable, by copying data from the approved project.
Complete lower right sections on the basis of what is actually occurring in the operation of the project.

PART I

STATISTICAL ABSTRACT (PAGE 2)

SUPPORTIVE ACTIVITIES	NUMBER OF CHILDREN PARTICIPATING					
	B.I.A. SCHOOL CHILDREN			Private School Children	Total Children	Grade Span
	Pre-School	Elementary	Secondary			
Dormitory						
Recreation						
Attendance						
Clothing						
Food						
Guidance Counseling						
Health-Dental						
Health-Medical (Psychiatric)						
Social Work						
Library						
Psychological						
Speech						
Pupil Transportation						
Special Services for Physically Handicapped						
Special Services for Mentally Retarded						
Testing						
Textbooks (if applicable only)						
Other Services (Specify):						

PART II

PROGRAM VISIT

PERSONS INTERVIEWED	POSITION/RELATION TO PROGRAM

PARTICIPANTS AND SERVICES

	Yes	No
1. Does adequate documentation exist for		
a. The number of educationally deprived children included in the project?	___	___
b. The high priority needs of the educationally deprived?	___	___
2. Does this documentation include private school students as well as BIA school students?	___	___
3. Does a systematic procedure exist for conducting a needs assessment?	___	___
4. Does the LEA employ appropriate methods to assess the needs of non-English-speaking children?	___	___
5. Does the service provided correspond to the documented needs of BIA school children?	___	___
of private school children?	___	___
6. Does evidence exist to show that private school representatives (such as superintendent, principals, teachers, and parents) were adequately consulted in determining the needs of and types of services for private school children?	___	___
7. Does evidence exist to show that the target children are involved in the project to the degree specified in the project?	___	___
8. Does the average per pupil expenditure from Title I money reveal a concentration of funds on a limited number of children?	___	___

NOTE: If any question is not applicable to the school being visited, please note this by writing "NA". Do not check the "Yes" or "No" columns.

	Yes	No
9. Is there evidence to show that Title I funds are used to supplement and not supplant 1760 funds and/or other federal funds provided to the BIA? (If No, identify below)	____	____

10. List the items in this section in which the LEA needs assistance and/or improvement.

11. Comment on those items above which need further clarification.

SUPPORTIVE SERVICES*

	Yes	No
1. Does adequate documentation exist to establish the need for supportive services?	___	___
2. Are the children receiving supportive services also participating in a Title I instructional project?	___	___
3. Is there an established process to coordinate supportive services with instructional program (such as a regular flow of information between classroom teacher and support personnel)?	___	___
4. Is there evidence of an effort to utilize fully other resources, public and private, to provide supportive services (e.g. Public Health Service, Save the Children Foundation, Public Library Services, Neighborhood Mental Health Centers, local community organizations, etc.)?	___	___

5. List the items in this section in which the LEA needs assistance and/or improvement.

6. Comment on those items above which need further clarification.

---

* These services would include those listed on Page 5.

STAFFING AND STAFF DEVELOPMENT

	Yes	No
1. Is the staffing design adequate and appropriate for the requirements of the project?		
2. Has the staffing design indicated in the project application been filled?		
3. Was there any undue delay in hiring the Title I staff? (If yes, indicate reason under item 12.)		
4. Were there any problems in recruiting qualified people? (If yes, indicate reason under item 12.)		
5. Is there adequate supervision of the Title I Staff?		
6. Is there documentation of need for the particular in-service training which is offered?		
7. Is there evidence of any analysis of the impact on children of the in-service training activities for staff?		
8. Are the in-service training activities adequate with respect to content?		
-with respect to scheduling?		
9. Which of the following are receiving in-service training related to this project?		
-Administrators		
-Supervisors		
-Specialists (e.g. reading, math)		
-Classroom Teachers		
-Private School Personnel		
-Aides		
-Counselors		
-Parents		
-Other (Specify)		

Yes No

10. Does the LEA conduct joint in-service training activities for teachers and teacher aides? (If given in a prior project, then the answer may be NA, explain below.) ____ ____

11. List the items in this section in which the LEA is in need of assistance and/or improvement.

12. Comment on those items above which need further clarification.

PARENTAL INVOLVEMENT

	Yes	No
1. Is there a procedure for establishing/maintaining a parent council at the school?	___	___
2. Is the Title I staff available to provide adequate support for the council?	___	___
3. Does documentation exist concerning the functioning of this committee (such as a record of meetings, minutes, roster of council membership)?	___	___
4. Do members of the parent council have problems in attending meetings? (Explain below)	___	___
5. Is there provision for competent interpretation of the proceedings and documents in second language situations?	___	___
6. Is there evidence that the parent council has been involved in any of the following activities:		
Identification of needs	___	___
Project planning	___	___
Needs prioritization	___	___
Proposal review	___	___
Implementation of project	___	___
Continuing involvement in review of project operation	___	___
On-going analysis and appraisal of activities	___	___
Dissemination	___	___
7. Is the parent council representative of all parents of participating children?	___	___

8. List the areas in which the LEA needs assistance and/or improvement.

9. Comment on those items above which need further clarification.

DISSEMINATION

	Yes	No
1. Does evidence exist to show that the following groups are being provided with information pertaining to this project and its operation?		
Project Staff	____	____
Parents	____	____
School Board	____	____
Superintendent	____	____
Private School Representatives	____	____
General Public	____	____
LEA Personnel	____	____
Parent Council	____	____
2. Are plans established and operational for an on-going dissemination program?	____	____
3. Is care taken to select media most frequently used by the population to be reached?	____	____
4. Are procedures established to handle specific requests for information (e.g. reproduction at a reasonable cost)?	____	____
5. Is there any evidence that program changes have occurred within this LEA because of the dissemination of good practices in Title I? (Explaination will be needed if answer is No.)	____	____

6. List the items in this section in which the LEA needs assistance and/or improvement.

7. Comment on those items above which need further clarification.

EVALUATION

	Yes	No
1. Is there evidence that the evaluation design relates directly to needs and project objectives?	____	____
2. Are project objectives written in measurable terms?	____	
3. Was the project teaching staff involved in the development of the evaluation design?	____	____
4. Were participating private school children included in the evaluation?	____	____
5. Is each component within the project evaluated?	____	____
6. Does the LEA do its evaluation using only its own evaluation personnel?	____	____
using its own personnel and outside evaluators?	____	____
using only outside evaluators?	____	____
7. Is there evidence that evaluation results are being fed into project development?	____	____
8. Is there evidence of year to year project continuity?	____	____

9. List the items in this section in which the LEA is in need of assistance and/or improvement.

10. Comment on those items above which need further clarification.

FINANCIAL MANAGEMENT

	Yes	No
1. Are the obligations to date consistent with the approved budget? (In case of any exceptions, note in number 11.)	___	___
2. Are effective expenditure control procedures in use?	___	___
3. Are periodic reports made to the area coordinator on the status of Title I funds?	___	___
4. Are previous audit report recommendations being implemented? (Any No must be explained in item 11.) (If no previous audit, identify by NA.)	___	___
5. Have audit procedures been implemented?	___	___
6. Is there a current inventory of Title I equipment?	___	___
7. Is the Title I equipment permanently labeled?	___	___
8. Are procedures in effect to insure that Title I equipment is properly used?	___	___
9. Is there evidence that the LEA retains administrative control over services or equipment housed on private school premises?	___	___

10. List the items in this section in which the LEA needs assistance and/or improvement.

11. Comment on those items above which need further clarification.

MISCELLANEOUS

		Yes	No
1.	Does it appear that the objectives listed in the application for the project are being achieved?	____	____
2.	Does the staff display an interest in and enthusiasm for the project?	____	____
3.	Is the project coordinated with the regular school program?	____	____
4.	Do the personnel involved in the project have an adequate understanding of Title I, its laws and regulations.	____	____
5.	Do the personnel involved in the project have an adequate understanding of the project, its purposes and goals?	____	____
6.	Do the duties of the Title I staff correspond to the project application?	____	____
7.	Does the project truly supplement the regular program?	____	____
8.	Do the grouping, class size, and pupil-teacher ration correspond to the project application?	____	____
9.	Do the grouping, class size, and pupil-teacher ration appear appropriate for this project?	____	____
10.	Are the children who receive supportive services also receiving instructional services from Title I?	____	____
11.	Are private school children participating in this project?	____	____
12.	Does the scheduling of activities of the project appear adequate? (i.e. It does not interfere with other important classes; it is at a time when students can conveniently attend; it is of appropriate duration; etc.)	____	____
13.	Is the facility for this project activities appropriate?	____	____
14.	Is the location for this project activities appropriate?	____	____
15.	Was there undue delay in starting the project? (If yes, explain under item 25.)	____	____

	Yes	No
16. Were there any problems in procurement of supplies and equipment? (Explain)	____	____
17. Are the materials used in the activity inappropriate supply?	____	____
18. Are the materials purchased for these activities being used in the activities?	____	____

19. List those items in this part in which the LEA needs assistance and/or improvement.

20. Comment on those items above which need further clarification.

PROJECT VISIT SUMMARY

This form is to be completed at the termination of reviewing the LEA's Title I project. Each section of this form should be thoroughly discussed with the LEA representatives during the exit interview as to the findings resulting from the on-site visit

I. Project operation is acceptable, no adjustive action or modification is necessary at this time.

Yes:________________

No:________________

(If No is checked, indicate in the section below the points that are necessary to be reviewed, adjusted or modified.)

II. If No is indicated above, the Monitoring Team will indicate in the following spaces points that are necessary for review, adjustive action or modification. Be specific in stating these problem areas.

A. Statement of the Problem:

1. LEA representative concurs: ______________________________
   Signature and Title

2. LEA representative does not concur with the findings of the Monitoring Team and further review is needed to establish actual situation.

   ____
   Signature and Title

3. Remarks by LEA representative:

III. The Monitoring Team is to indicate any comments or recommendations to the LEA relative to the next fiscal year proposals.

MEMBERS OF THE MONITORING TEAM (signature)

1. ______________________ Title

2. ______________________ Title

3. ______________________ Title

Date: ______________________

QUESTION 6

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

MAR 30 1971

Memorandum

To: All Area Directors, Superintendents Cherokee, Miccosukee, Choctaw, Seminole, Director IAIA
Attention: Education

From: Director of Education Programs

Subject: BIA ESEA Title I Information Bulletin 001: "Title I and Follow Through"

Clarification has been requested regarding the amount of Title I ESEA funds that must be used in conjunction with "Follow Through" funds granted under the Economic Opportunity Act (EOA).

The Office of Education, HEW, has stipulated that "Title I, ESEA funds must be used in conjunction with Follow Through funds granted under the EOA. At least 15% of such combined Federal funds must come from Title I, ESEA except that no Local Education Agency (LEA) will be required to devote more than 10% of its total Title I allocation to Follow Through."

It should be noted that Follow Through funds usually consist of both Federal and non-Federal funds. The 15% applies to only that portion of funds granted under the EOA. Thus, if EOA is funding only $65 out of each $100 of the project, the Title I funding is based only on the $65 and not the $100 total and in such instance would amount to $9.75.

The LEA does not need to submit separate or different objectives, project plan and evaluation procedures from that of the Follow Through Proposal for its share of the project. An attachment to the application of the Follow Through Proposal will suffice. The services to be provided under Title I must, however, be distinct and identifiable and the budget must show that there is no co-mingling of funds.

James E. Hawkins
Director of Education Programs

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D.C., May 26, 1972.

HON. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: This letter will respond to a request from Mr. Forrest Gerard to elaborate further upon the relationship between the Bureau of Indian Affairs Office of Education Programs and the U.S. Office of Education. I am pleased to inform you that a formal consultation and planning effort does exist and is providing a method for close cooperation between our two offices.

I am enclosing a copy of a planning calendar which is revised each week and which reflects mutually agreed upon subjects of major interest as well as jointly agreed upon priorities.

A typical example of joint USOE-BIA cooperation is funding of efforts to provide opportunities for Indian students seeking Masters Degrees in Educational Administration. We have jointly funded programs at Harvard, Pennsylvania State University, University of Minnesota and Arizona State University to provide for some 60 Indians to seek advanced degrees in educational administration.

Another example is the joint planning and funding of the development of cultural materials for elementary and secondary school curricula for Indian children. These efforts are being focused through Dr. David Warren of our Cultural Studies Division in Santa Fe.

We realize that much yet needs to be accomplished in the area of joint efforts between USOE and BIA. However, our relationship is developing well and will continue.

Sincerely,

ERNEST L. STEVENS,
Acting Commissioner.

Enclosure.

PLANNING CALENDAR—USOE/BIA EDUCATION ACTIVITIES, APRIL–JUNE 1972

Timetable and discussion topic	Coordination action	Staff attendance	Agreed upon products
1:30-3:30, April 23: Training of Indian administrators—long term design and Indian manpower evaluation.	OE—Scheirbeck; BIA—Scott.	OE—Hays, Scheirbeck, Wilson; BIA—Hawkins, Scott, Jones.	Proposals funded to Navajo Community College and Southwest Lab to perform outlined subject tasks.
May 9: Joint recruitment of Indian staff.	OE—Horse; BIA—Scott	OE—Player, Spearman, Covington, Amerson, Rodriguez, Hays, Scheirbeck, Hughes; BIA—Hawkins, Scott, Felling, Gunther.	Joint recruitment plan for implementation by 2 agencies.
and higher education program efforts.	OE—Horse; BIA—Scott	OE, BIA	
May 30: School construction needs analysis.	OE—Cherry; BIA—Carmody.	OE—Matthews, Weatherford, Cherry, Hays, Scheirbeck; BIA—Hawkins, Scott, Elyas, McNabb.	Strategy and position paper for the 2 commissioners.
June 13: ESEA program coordination; titles I, II, III, VII.	OE—Burns; BIA—Trace	OE—Matthews, Weatherford, Burns, Hays, Scheirbeck, Hallett; BIA—Hawkins, Scott, Trace, Reibert, Gunderson.	Review and amendment of various interagency legal agreements and plan for targeting program resources to various areas.
1:30-3:30, June 27: Indian control policy statement.	OE—Scheirbeck; BIA—Scott.	OE—Matthews, Davies, Ensand, Hays, Scheirbeck; BIA—Hawkins, Scott, Crow.	Policy announcement document on Indian control.

Arizona Department of Education,
Phoenix, Ariz., April 11, 1972.

Hon. Paul Fannin,
Senate Office Building,
The Capitol,
Washington, D.C.

Dear Senator Fannin: This will acknowledge receipt of your letter of March 30, 1972 in which you ask several questions concerning the education of Indians in Arizona to assist you in evaluating S. 2724, The Comprehensive Indian Education Act.

1. What is your general assessment of the effectiveness of the Arizona Public School System in education of Indian students?

A. Some of the studies made and a great number of discussion with people interested generally had answers that most Indian parents on reservations in Arizona prefer public schools to the federal schools (BIA).

I sincerely feel that the public schools are doing more than the BIA schools have been able to do in approximately [illegible] years of effort.

2. How critical is the need for additional facilities in those public schools having a substantial number of Indian students?

A. Senator, the need is quite critical inasmuch as P.L. 815 has not, in the past few years, been appropriated funds to even approach keeping up with the need in construction of additional facilities. All public schools on the reservations have pending applications that, I am sure, would be approved if funds were available.

3. What effort is the State of Arizona making concerning the lack of Indian teaching personnel and administrators, especially in those areas where there is a large number of Indian students. Do you need Federal legislation to assist you?

A. The State of Arizona and particularly my office, is making every effort to find qualified Indian teaching personnel and administrators. We believe that Federal legislation may well be needed if the BIA continues to ignore the proposal made by Mr. [illegible] of my office at least a year ago requesting approval of a plan that would allow for an all-Indian staff to train Indian school board members and seek out prospective Teaching personnel and administrators from the several Indian Tribes. The plan would also encourage them to continue their education so that they may return to their reservation as a faculty member of one of the public schools.

4. What steps could the State of Arizona take to implement the President's position regarding self-determination in Indian education affairs?

A. Again, if the BIA would approve the recommended proposal Arizona could take great steps and probably lead the nation in implementing the President's position.

I hope these answers to your questions will be of some benefit to you.

Thank you for allowing me the opportunity of expressing my opinion concerning these four general areas.

Sincerely,

W. P. Shofstall,
Superintendent of Public Instruction.

UNITED STATES GENERAL ACCOUNTING OFFICE

REPORT TO THE CONGRESS

Opportunity To Improve Indian Education In Schools Operated By The Bureau Of Indian Affairs B-161403

Department of the Interior

BY THE COMPTROLLER GENERAL
OF THE UNITED STATES

Available Separately
as ED 064006

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-161468

To the President of the Senate and the
Speaker of the House of Representatives

This is our report on the Department of the Interior's opportunity to improve Indian education in schools operated by the Bureau of Indian Affairs.

Our review was made pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

Copies of this report are being sent to the Director, Office of Management and Budget; the Secretary of the Interior; and the Executive Director, National Council on Indian Opportunity.

Elmer B. Staats
Comptroller General
of the United States

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ABBREVIATIONS

BIA	Bureau of Indian Affairs
GAO	General Accounting Office

COMPTROLLER GENERAL'S
REPORT TO THE CONGRESS

OPPORTUNITY TO IMPROVE
INDIAN EDUCATION IN
SCHOOLS OPERATED BY
THE BUREAU OF INDIAN AFFAIRS
Department of the Interior
B-161468

DIGEST

WHY THE REVIEW WAS MADE

American Indians and Alaska Natives are considered to be among this country's most disadvantaged citizens, whether the scale of measurement is employment, income, housing, health, or education. It generally is recognized by Indian leaders and Government officials that education is a key element in the ultimate solution of the problems that these disadvantaged citizens face.

In recent years both the President and the Congress have focused considerable attention on the continuing problems which have beset Indian education. Senate Report 91-501, entitled "Indian Education: A National Tragedy--A National Challenge," outlined a number of serious inadequacies in the Bureau of Indian Affairs' (BIA) education program and recommended that the Federal Government set specific goals for rapid attainment of equal educational opportunity for Indian children, including parity of achievement level of Indian high school students with national norms.

During the 5-year period ended June 30, 1971, BIA expended about $500 million to operate Federal schools and dormitories having a total annual enrollment of about 50,000 Indian children. Although complete and accurate data was not available, BIA estimated, on the basis of limited data available in 1968, that Indians graduating from BIA high schools generally had only about a ninth-grade education as measured by standardized academic-achievement tests.

The General Accounting Office (GAO) made this review to evaluate the management methods used by BIA in meeting the goals set for education of Indian children in BIA-operated schools.

FINDINGS AND CONCLUSIONS

The major goal of BIA's education program is to close the education gap between Indians and other Americans by raising the academic-achievement level of Indian students up to the national average by 1976. It appears that relatively little progress has been made toward achieving this goal. (See p. 9.)

In fact BIA's education programs have not been designed to achieve this goal. Officials at five of 12 schools and at one of three area offices visited told GAO that they were not even aware of the goal. Officials at the remaining schools and area offices stated that they had not made a specific effort to design their programs to reach this goal and had not received any guidelines or instructions concerning it from the BIA central office. (See p. 11.)

Certain factors which adversely affected students' ability to achieve at the national average were not fully dealt with in the established school programs. For example:

--Inability to communicate effectively in the English language generally was recognized as a primary restraint to normal educational progress. Standardized achievement tests indicated that almost all students in the schools GAO visited had communication skills deficiencies. GAO noted, however, that the schools generally did not have adequate programs to deal with this problem. (See pp. 12 and 13.)

--BIA officials estimated that the number of Indian children in their schools needing special education for physical, sensory, mental, or emotional handicaps was at least double that normally found in public schools and might be as high as 50 percent of total enrollment in boarding schools off the reservations. Six of the 12 schools visited by GAO, however, had not established special education programs, and some of the special education programs which had been established at several other schools were not adequate. (See pp. 15 and 16.)

--BIA's guidance programs generally have emphasized dormitory administration in boarding schools and have not provided Indian students with a broad range of professional counseling services, including academic counseling. The counselors' activities were concerned primarily with social and personal problems of the students. (See pp. 16 to 18.)

--Of the 12 schools visited, 10 did not have adequate provisions for obtaining substitute teachers to assume responsibility for classes when regular teachers were absent. (See p. 19.)

BIA did not have an effective management information system which would provide education program officials with data necessary for identifying educational needs of Indian children, designing programs and activities for accomplishing educational goals, allocating resources to these programs, and evaluating the costs and benefits in relation to the educational goals. (See pp. 20 to 24.)

RECOMMENDATIONS OR SUGGESTIONS

The Department of the Interior should require the Commissioner of Indian Affairs to:

--Clearly apprise all operating levels of the goal of reaching a level of academic achievement for Indian students equal to the national average and the date by which it is to be accomplished.

--Identify and assign priorities for dealing with all critical factors known to impede progress toward accomplishment of that goal.

--Develop a comprehensive educational program which is designed specifically to overcome the factors which impede progress in meeting the goal and which is flexible enough to meet the needs of students in al BIA schools.

--Establish periodic milestones, such as the amount of improvement in the academic-achievement level necessary at the end of each successive year, to accomplish the established goal.

--Periodically evaluate program results on the basis of these predetermined milestones to allow timely redirections of effort as may be necessary.

--Develop a management information system providing:

1. Meaningful and comprehensive information on the academic aptitude and achievement levels of students in the BIA school system.
2. Program-oriented financial management reports geared toward the management needs of BIA education program officials. (See pp. 26 and 27.)

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Department of the Interior stated that it was in general accord with GAO's findings and that GAO's conclusions and recommendations would constructively support BIA's efforts to improve its education program.

The Department stated that it would be normal to expect that from 5 to 10 years would be required to statistically prove any increased effectiveness through student test results. The Department noted that GAO had not given due cognizance to departmental and congressional commitments and efforts to improve educational opportunity for the American Indian.

GAO agrees that it would have been desirable to obtain student academic-achievement data covering several years. Such data was not available, however, and, by necessity, GAO's evaluation of progress achieved by BIA was limited to available data.

The Department's comments on GAO's recommendations are discusssed below.

--A task force was established in March 1971 to review the goals and objectives of BIA's education program and the necessary organizational changes to achieve them. The Department did not indicate, however, what action would be taken to apprise all operating levels of the goal of reaching a level of academic achievement equal to the national average and the date by which it was to be accomplished.

--The Department outlined a number of steps to be implemented in fiscal year 1973 for identifying and assigning priorities for dealing with all critical factors known to impede progress toward accomplishment of its goal.

--Concerning GAO's recommendation for development of a comprehensive education program that would meet the needs of all students in BIA schools, the Department stated that actions were being taken to upgrade the ability of school personnel to deal with the special nature of the students served. GAO believes that, although these actions should help to improve BIA's education program, action also must be taken to ensure that the special needs of all students are identified and met.

--Regarding GAO's recommendations for establishment of milestones and for periodic evaluation of program results, the Department stated that these exercises were impractical since the BIA goal must be tempered by the reality of Indian self-determination, the special nature of the students served, and the availability of funds. GAO believes that effective management requires the development of an appropriate strategy for meeting established goals and the periodic evaluation of progress toward meeting these goals.

--Concerning GAO's recommendation for development of an education management information system, the Department outlined various activities which would be undertaken to design and implement such a system. GAO believes that effective use of information provided by the system should assist BIA in managing its schools. (See pp. 29 to 31.)

MATTERS FOR CONSIDERATION BY THE CONGRESS

In view of the concern which has been expressed by the President and by members of the Congress regarding the quality of Indian education, the Congress may wish to consider enacting legislation requiring BIA to furnish certain specific information as suggested in this report, which the Congress could use to evaluate the progress being made in improving Indian education. (See pp. 27 and 28.)

CHAPTER 1

INTRODUCTION

American Indians and Alaska Natives (hereinafter referred to as Indians) are considered to be among this country's most disadvantaged citizens, whether the scale of measurement is employment, income, housing, health, or education. It generally is recognized by various Indian leaders and Government officials that education is one of the key elements in the ultimate solution of the complex problems faced by these disadvantaged citizens.

In recent years both the President and the Congress have focused considerable attention on the continuing problems which have beset Indian education. In a July 1970 message to the Congress, the President stated that one of the saddest aspects of Indian life was the low quality of Indian education.

In November 1969 the Special Subcommittee on Indian Education, Senate Committee on Labor and Public Welfare, concluded a 2-year investigation by issuing Senate Report 91-501, entitled "Indian Education: A National Tragedy--A National Challenge." The Subcommittee outlined in its report a number of serious inadequacies in the education programs of the Bureau of Indian Affairs and concluded that "The present organization and administration of the BIA school system could hardly be worse."

The Subcommittee recommended that the Federal Government commit itself to providing Indians with an excellent education, including maximum Indian participation in, and control of, Indian education programs. In addition, the Subcommittee recommended that the Federal Government set specific goals for rapid attainment of equal educational opportunity for Indian children, including parity of achievement level of Indian high school students with national norms.

Because of the national interest in Indian education which had been expressed by the President and the Congress, the General Accounting Office undertook a review of the management of the BIA school system. Our review was concerned primarily with evaluating management methods used by BIA to meet the goals set for education of Indian children in BIA-operated schools.

OVERALL PERSPECTIVE

Each administration since 1960 has announced a policy calling for full participation by Indians in American life and a standard of living and an education equal to the national average.

BIA established certain educational goals in 1963, which were directed specifically toward closing the education gap between Indians and non-Indians by 1970. Except for a change in the target date, these goals have continued into the 1970's. The goals outlined in BIA's fiscal years 1971 and 1972 Program Memorandums,[1] dated June 1969 and May 1970, respectively, are that (1) 90 percent of all Indian youth graduate from high school, (2) by 1976 the achievement level of Indian students at least equal that for non-Indian youth, (3) 50 percent of the graduates enter college, and (4) the remaining 50 percent be either employed or enrolled in technical training.

The BIA goal of raising the academic-achievement level of Indian students at least up to that attained by non-Indian students appears to be consistent with the educational goals of the Indians themselves. For example, a private firm conducting a study of Indian education in 1969 reported that Indian students and parents, school administrators, teachers, and educational consultants were in substantial agreement that the goal of Indian education should be equal opportunity for Indian and non-Indian Americans. The study report further defined this goal as academic achievement for Indian high school and college graduates equal to that of non-Indians.

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[1] BIA program memorandums are documents which present statements of major program issues requiring decisions in the current budget cycle and which have implications in terms of either present or future costs or the direction of a program or group of programs.

This goal was articulated by an Indian school board member during an April 1969 education conference at the Fort Apache Reservation, Arizona, as follows:

> "Our ultimate goal should be to educate our children so that their qualifications for any open position will be on an equal par with, if not better than, the non-Indians. This is the goal we should strive for."

A study of Indian education conducted by a former BIA Deputy Assistant Commissioner for Education under a grant by the Office of Education, Department of Health, Education, and Welfare, focused on the 1960's and the accomplishments during that decade. That study indicated that BIA had made progress in increasing the percentage of Indian children enrolled in school and in increasing the number of Indian high school graduates. In its 1972 Program Memorandum, however, BIA estimated that the academic-achievement level of Indian children graduating from BIA high schools was 3.3 years below the national average. We could not readily ascertain the reliability of this estimate because BIA does not accumulate achievement test data from its schools.

BACKGROUND

During fiscal year 1971 about 200,000 Indian children were enrolled in elementary and secondary schools. Those schools included Federal, public, private, and mission facilities. About 50,000 of these students were enrolled in 200 BIA-operated schools. Also BIA operated 19 dormitories for about 4,000 Indian children attending public schools and provided funding for five schools operated by Indian school boards under contract with BIA. In addition, BIA operated two postsecondary schools having a total enrollment of about 1,300 students.

The program for the education of Indian students in these federally operated or federally funded schools is administered by BIA's central office in Washington, D.C., and its 11 area and 76 agency offices.

During fiscal year 1971 BIA's appropriation for educational assistance, facilities, and services totaled

$146.2 million, of which $118.6 million was expended in the operation of the Federal facilities discussed above, including the five schools operated by Indian school boards. The remaining $27.6 million was expended for assistance to pupils in non-Federal schools, adult education and community development. Also in fiscal year 1971 BIA expended $13 million received through other Federal programs, such as the program funded by the Elementary and Secondary Education Act of 1965 (20 U.S.C. 241a) administered by the Office of Education. These funds were for special education programs, such as remedial reading.

During the 5-year period ended June 30, 1971, BIA expended about $500 million, including about $50 million received through other Federal programs, to operate Federal schools and dormitories having a total average annual enrollment of about 50,000 students.

CHAPTER 2

OPPORTUNITIES FOR IMPROVING INDIAN EDUCATION

The major goal of BIA's education programs is to close the education gap between Indians and non-Indians by raising the academic-achievement level of Indian students up to the national average by 1976. It appears, however, that BIA has made relatively little progress toward attaining this goal, largely because BIA has not adequately communicated this goal to its area offices and schools and has not developed a specific plan for identifying and overcoming obstacles to, or for measuring progress toward, the accomplishment of this goal.

Our review of BIA records showed that they did not provide sufficient information to determine the actual progress that had been made toward raising the academic-achievement level of Indian children. As discussed in more detail on page 20, the formulation of academic achievement-testing programs was left to the discretion of the education officials at each of BIA's 11 area offices and the established testing programs differed from area to area. Also individual schools within the areas often did not follow the established programs. Further the results of tests that were administered at the schools were not compiled and evaluated on a national basis at the BIA central office. As a result the central office did not have the comprehensive academic-achievement data needed for comparing progress in attaining the goal of the education program on a school-to-school and year-to-year basis.

Academic-achievement data that was available at the 12 schools we visited showed relatively little evidence of progress from year to year. For example, the following table shows the gap between the national average and the average achievement level of Indian students at three elementary schools in the Phoenix Area, as measured by California

Achievement Tests[1] administered in the spring of 1970 and again in the spring of 1971.

Year in which tested	Achievement gap							
	Grade							
	1	2	3	4	5	6	7	8
	(years below national average)							
1970	0.7	0.8	1.4	1.2	1.3	1.6	1.3	1.9
1971	0.9	1.4	0.5	1.5	1.4	1.8	1.7	2.0

As shown above the gap between the national average and the average achievement level of Indian students shows a reduction in only the third grade.

The results of California Achievement Tests administered to students at three off-reservation secondary boarding schools located in the Navajo, Phoenix, and Juneau Areas also disclosed that there had been little evidence of progress, as shown below.

Year in which tested	Achievement gap											
	High school A				High school B				High school C			
	Grade				Grade				Grade			
	9	10	11	12	9	10	11	12	9	10	11	12
	(years below national average)											
1970	3.3	3.8	4.6	5.3	1.8	2.5	2.7	3.6	0.6	1.2	1.1	1.6
1971	3.5	3.7	4.5	5.3	2.9	2.8	3.4	4.4	0.7	1.3	1.9	2.1

We discussed the above academic-achievement data with various education consultants, all of whom agreed that it showed that there had been little evidence of progress.

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[1] The California Achievement Test is one of a number of standardized tests used by educators in elementary and secondary schools to measure the academic-achievement levels of their students. Other standardized achievement tests used in BIA schools we visited included the Metropolitan Achievement Test and the Stanford Achievement Test.

NEED TO ORGANIZE PROGRAMS AROUND ESTABLISHED GOALS FOR INDIAN EDUCATION

We found that BIA had not developed a specific plan to accomplish its goal of raising the academic-achievement level of Indian students up to the national average. Although the goal had been established and included in BIA's annual program memorandums, BIA did not plan and organize its education programs to achieve it.

Officials at BIA's central office and at the three area offices and 12 schools visited agreed that the education programs were not designed to reach the goal of raising the achievement level up to the national average by 1976. In fact officials at five schools and at one area office told us that they were not even aware of this goal. Officials at the seven other schools and two area offices told us that they had heard of the goal. They said, however, that they had not made a specific effort to design their programs to reach this goal because they had not been officially notified of it and had not received any guidelines or instructions from the central office concerning it.

The educational goals set forth in BIA's Manual, which was furnished to the schools and area offices, dated back to 1951 and were very general. These dealt primarily with such matters as physical, mental and moral development; citizenship; and health habits. The goals did not include closing the academic-achievement gap.

School officials cited a number of matters which had an adverse effect on the quality of education provided to children in BIA schools. These matters included the need for compensatory training in English communication skills, special education programs, professional counseling services, and substitute teachers. These matters, which are discussed below, are not intended to represent all the factors which have an impact on the quality of Indian education; instead, they are intended to illustrate that BIA has not organized its education program to accomplish its goal.

Need for training to compensate for English communication handicaps

The importance of basic communications skills is stressed in the publication "Education: An Answer to Poverty," which was developed jointly by the Office of Education and the Office of Economic Opportunity and which points out that:

> "*** reading and the development of language skills are the chief foundations of knowledge. Without them, all later schooling is built as though on quicksand and soon collapses."

Officials at the 12 schools we visited told us that the inability of Indian students to communicate effectively in English was a primary restraint to their achieving at the national average.

At one of the schools we visited, it had been determined that Apache was the predominant language in the students' homes; a survey of 32 homes had revealed only one case in which English was spoken in the home. The problem was complicated further by the students' isolation from any culture other than their own. Thus it was difficult for them to visualize a need for learning English. The survey showed that the students lived 43 miles from the nearest non-Indian community, that about 50 percent had no adequate means of transportation, that fewer than 20 percent had television, that an equally small percentage had radios, that only 4 percent had telephones, and that there was no local newspaper. The entire student body (pre-first through eighth grade) at this school was deficient in English communication skills.

Although the standardized achievement tests at the 12 schools we visited indicated that about 95 percent of the students were deficient in English communication skills, only one of these schools had established what the school principal considered to be an adequate compensatory training program to overcome the students' deficiencies.

Nine other schools had established compensatory communication training programs. These programs were often referred to as reading laboratories and involved the use of various types of special audio-visual equipment, as illustrated by the photographs on page 14. These programs, however, usually were funded through Office of Education grants under the Elementary and Secondary Education Act of 1965, which are restricted by law to a limited number of students. For example, only about 120 students were enrolled in one high school's remedial reading program. Of the 425 students tested at that school, 409 had reading scores below the national average, including 382 who were 1 year or more below the average. This remedial reading program was designed, however, to bring students up to only the sixth-grade level. As a result many students were trying to cope with regular high school subjects, such as history and science, although their ability to read was substantially below the high school level.

The principal at the school which had established what he considered to be an adequate compensatory English communications training program stated that the program was designed specifically around the students' needs as identified by the teachers and through analysis of standardized achievement test results. Each student spent one half of each day in English language instruction. In conjunction with this, all other courses were designed to reinforce the students' skill in English communication.

The principal said that he believed that the program provided students with a firm base in English communication skills without compromising other course work necessary for their development. Although the program was only in its first year of operation, the principal was of the view that students could raise their overall achievement level up to the national average within 5 years of entering the program.

Need for special education programs

Officials at the schools we visited told us that special education programs were needed at their schools for certain students with physical, sensory, mental, or emotional handicaps. Little or no data, however, was available concerning the extent of these handicaps and the specific types of special education needed.

One BIA official estimated that the number of Indian children in BIA schools needing special education was at least double that normally found in public schools. Another BIA official estimated that as many as 50 percent of the students enrolled in BIA off-reservation boarding schools needed some form of special education due to poor early childhood health care, malnutrition, and social conditions on the reservation.

Of the 12 schools visited, six had not established any special education programs. Officials at several of the schools which did have special education programs told us that the programs were not adequate. For example, one of the established programs could handle only 18 of about 75 students who had been identified by teachers as needing special education. The special education teacher said that undoubtedly all students needing special education had not been identified.

Information obtained at one off-reservation secondary boarding school which did not have a special education program indicated that a large number of handicapped students at the school needed special education. We noted that one of the criteria under which students could be enrolled at this school was unusual social behavior too difficult to be solved at home or through existing community facilities. A survey by a psychologist showed that more than one half of the students had been enrolled on that basis. Randomly selected standardized test results at this school showed that students' academic-achievement scores generally were substantially below the national average in all subject areas tested, although their intelligence scores ranged from "above normal" to no lower than "dull normal."

The Chief of the Division of Special Education, California Department of Education, told us that, on the basis of the above information, it appeared that a number of students at this school might be educationally handicapped--students who were not mentally retarded but who were hindered in academic achievement by learning or behavioral disorders caused by emotional disturbances--and therefore might be in need of special education. He added that, in California public schools, such educationally handicapped students were handled generally by special full- or part-time classes or through individual tutoring.

Need for professional counseling services in BIA schools

Although 11 of the 12 schools we visited had counselors, the counselors' efforts were concerned primarily with social and personal problems of the students.

BIA officials told us that historically their guidance programs were directed toward dormitory administration in boarding schools rather than providing a broad range of professional counseling services.

According to the American Personnel and Guidance Association, a national association of professional guidance and counseling personnel, some of the major functions of professional counselors in elementary and secondary schools include:

--Planning and developing the guidance program.

--Counseling individuals and small groups.

--Appraising students, including accumulating and interpreting such information as standardized test results and academic records, and identifying students having special abilities and/or needs.

--Assisting students in relating their interests, aptitudes, and abilities to current and future educational and occupational opportunities and requirements.

- --Consulting with school administrators and members of the faculty relative to the curriculum which will meet the abilities, interests, and needs of the students.

- --Placing students in appropriate school subjects and courses of study.

- --Referring students to other pupil-personnel-services specialists.

- --Meeting with students' parents.

We found, however, that (1) at 10 of the 12 schools visited by us, the counselors did not make use of the results of standardized achievement tests to identify student and curriculum needs, (2) at nine schools they did not participate in the placement of students in courses of study, and (3) at eight schools they were not involved in developing the curriculum.

Some of the above-mentioned functions of counselors were being performed in varying degrees by other school personnel. For example, at one off-reservation boarding school, the placement of students in courses of study was done by the academic department head on the basis of the State-approved curriculum for public schools. He told us that such tools as standardized academic aptitude and achievement test results should be analyzed and used for placing students in classes on the basis of their individual strengths, weaknesses, and education needs but that he did not have the time to make such analyses because of other administrative responsibilities. Academic counseling was being performed by classroom teachers in some instances, but most of these teachers said that they did not have the time, training, or experience necessary to do the job effectively.

The accumulation and interpretation of standardized test results is one of the major functions of a counselor. Officials of the American Personnel and Guidance Association and of the Office of Education, told us that, ideally, professional counselors also should administer these tests because they have been specifically trained in this area. Although testing generally was being done at the 12 schools we visited, the student's regular teachers, rather than counselors, administered the tests at eight of the schools and counselors were involved only to a limited degree in administering the test at a ninth school.

According to the American Personnel and Guidance Association, a counselor's student-appraisal function includes coordinating the accumulation, organization, and maintenance of files of pupil data, including standardized test results, academic and biographical records, personal data forms, and rating scales. We found, however, that counselors generally did not maintain such data. At one school having 800 students, the counselors developed files for only 11 students.

A BIA official told us that some efforts recently had been made to get counselors more involved in the broad range of professional counseling services but that these efforts were still in the early stage of development. For instance, in an experimental program which had been implemented at nine schools in the Navajo Area, the counselors no longer supervise dormitory operations but are responsible only for providing counseling services.

For BIA to provide the full range of professional counseling services to Indian children, the current qualification standards for counselors may have to be upgraded. BIA's academic standard to qualify for a position as a guidance counselor requires:

--Completion of a 4-year course of study leading to a bachelor's degree in any major.

--Completion of 24 semester hours in professional education, including 12 semester hours in guidance and psychology subjects directly related to education (not necessarily graduate work).

This academic standard is significantly below the academic standard established by the American Personnel and Guidance Association which recommends completion of a 2-year graduate program in the field of counselor education. According to a 1965 publication of the Office of Education, of 55 States and outlying areas, such as the Canal Zone and Guam, 46 required master's degrees, or other specified amounts of graduate-level education, in the field of counseling for permanent certification as a school counselor and two required additional graduate-level education in the field of counseling beyond a master's degree. According to Office of Education officials, most States generally required 1 year of graduate-level education in the specific field of counseling and the trend was toward a 2-year graduate program.

Of the 78 counselors at the schools we visited, only 15 had master's degrees in the field of counseling and five had bachelor's degrees in counseling. The remaining 58 had degrees in such fields as education or social studies.

Need to obtain substitute teachers

Although officials at the 12 schools we visited told us that it was important to have substitute teachers to assume responsibility for classes when regular teachers were absent, only two of the schools had made what school officials considered to be adequate provisions for obtaining substitute teachers. At the 10 other schools, either no provision had been made for substitutes or the number of substitutes on call was insufficient, generally, according to the officials at these schools, because of personnel ceilings or lack of funds.

We reviewed leave records and other data at several schools to ascertain the extent of the need for substitute teachers. At two schools which had no substitute teachers, we found that, for 39 and 58 days, respectively, a regular teacher was absent for at least one half a day during the 180-day school year. These schools attempted to fill the vacancies with supervisory personnel or teacher-aides.

At another school four high school class periods had been without a teacher for about 2 months; students were used as monitors to keep order in these classes because the school's only substitute teacher was filling in for another teacher who was on extended sick leave.

At another school which had no substitute teachers, school officials said that an average of two teachers a day were absent and that the students were sent back to the dormitory when teachers were absent.

NEED TO IMPROVE BIA'S MANAGEMENT INFORMATION SYSTEM

An effective management information system would seem essential in developing, implementing, and evaluating an educational program. Such a system could provide education program officials with the data they need for identifying the educational needs of students, both individually and collectively; for designing programs and activities for accomplishing the desired educational goals; for budgeting and allocating resources to support these programs; and for evaluating the costs and benefits of these programs in relation to the planned educational goals. BIA officials generally agreed that they did not have an effective management information system for providing such data.

Need for academic aptitude and achievement data

Central office education officials stated that the results of standardized academic aptitude and achievement tests not only would be useful at the school level in identifying students' needs and measuring their progress but also would be needed by them in formulating and evaluating the results of programs designed to accomplish the goal of raising the academic-achievement level of Indian students to the national average.

BIA records did not contain sufficient information for determining the actual progress that had been made toward the accomplishment of this goal, nor did BIA have an overall student-testing program for obtaining such information. Education officials at each area office decided on the testing program to be followed by schools under their jurisdiction; however, test results were not compiled and evaluated at the central office. Outlined below is a brief comparison of the testing program followed in the three areas we visited.

Academic-achievement testing	Area		
	Juneau	Phoenix	Navajo
Grade levels to be tested each year	All grades	All grades	2d, 4th, 6th, and 8th grades
Time of year students are to be tested	Fall	Spring	Approximately midyear
Type of achievement tests that is to be used	Metropolitan for elementary grades and California for secondary grades	Either Metropolitan or California	Stanford
Is it required that results be submitted to the area office?	Yes	Yes	Yes
Academic-aptitude testing			
Is aptitude testing required?	No	Yes (7th grade only	No

In a number of cases the established area testing program was not followed. For example, the Phoenix Area Office directed that academic-achievement tests be administered each spring to all students, that either the Metropolitan Achievement Test or the California Achievement Test be acceptable as long as one was used consistently, and that results be submitted to the area office. However:

- --One school did not administer the spring academic-achievement tests for 3 years.
- --Another school changed from the California Achievement Test to the Metropolitan Achievement Test and back to the California Achievement Test during a period of 4 years, which made it difficult to compare results from year to year.
- --Area office education officials did not use test results for program planning and evaluation purposes.

The testing program established by the Juneau Area Office required that in the fall the Metropolitan Achievement Test be administered to students in kindergarten through the eighth grade and that the California Achievement Test be administered to students in the ninth through the 12th grades. At one school, however:

- --Kindergarten and first-grade students were not tested.
- --The Metropolitan Achievement Test, rather than the California Achievement Test, was administered to the ninth-grade students.
- --Students in the 10th through the 12th grades were not tested.

Although test results have not been compiled and evaluated at the central office, the value of a testing program has been recognized. Education officials at the central office advised us that they were in the process of developing a BIA-wide testing program.

Need for program-oriented financial management reports

The operating cost of the BIA school system for fiscal year 1971 was approximately $118.6 million. We found, however, that central office education program officials did not know by whom or for what purposes these funds had been used.

Central office education program officials did not know how much of the $118.6 million in operating costs had been incurred by each of BIA's 200 schools, 76 agency offices, and 11 area offices; nor did they receive any financial management reports which would readily provide this data. We found that they had not received financial management reports which would show how much of the operating cost had been incurred for such education activities as administration, curriculum development, instruction, pupil-personnel services, support services, and dormitory operations.

We were able to identify only one report which contained data on BIA program costs. This monthly "Report on Operating Budget" details both the programmed and the actual obligations and costs charged against the 24 BIA programs. Education is the largest of these programs and accounts for about 50 percent of BIA's operating budget. The Deputy Director of Management Services confirmed that this was the only report which showed BIA's program costs.

Our examination of the "Report on Operating Budget" for the year ended June 30, 1971, which consisted of 3,000 pages of computer tabulations, showed that the $118.6 million in operating costs was itemized by detailed costs on the basis of location codes. The education program costs were not totaled for each school, agency office, and area office, nor were costs summarized by the various education activities discussed above.

According to central office education program officials, they receive only that part of the "Report on Operating Budget" which shows the education program costs incurred by the central office.

One official commented that, even if the entire cost report were received, it could not be effectively used for program-management purposes because it was too voluminous and the data was not summarized into a program-oriented format. The BIA Director of Education Programs said that the limited financial management data made available to him was not adequate for such purposes as determining and evaluating the costs for each pupil of the various education activities or making cost-benefit analyses of education programs in BIA schools. He said that such information was essential for effective management of the BIA school system.

Our observations concerning the need for program-oriented financial management reports are similar to those reported in May 1971 by a special management assistance survey team, which was organized by the Office of Management and Budget at the request of the Secretary of the Interior. In reference to the various financial reports produced by the Indian Affairs Data Center, the survey team stated that:

> "*** We found that operating officials at Central Office made very little use of these reports because they were too voluminous and because the officials were not familiar with the computer

> language. No 'flash' or summary reports were prepared for use by the executive staff."

The survey team stated also that:

> "*** We cannot over-emphasize the need for effective communication between the Division of Financial Management and its customers at all levels to bring about an effective reporting system."

We believe that, to effectively manage a program of the size and complexity of the BIA school system, the Director of Education Programs should receive program-oriented financial management reports which show for what purpose and by whom the financial resources are being used.

CHAPTER 3

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

Improving the educational achievement level of Indian students appears to be one of the most important keys to overcoming the problems the Indians face. Information available at the schools we visited revealed relatively little evidence of progress.

Although BIA had established a goal of eliminating the disparity between educational achievement attained by Indian children and their non-Indian peers by 1976, it did not adequately communicate this goal to the operating levels nor did it develop and implement a specific plan of action by which it intended to raise Indian students' academic-achievement level. Certain constraints to improving academic achievement, such as English communication handicaps, were evident; yet established school programs did not deal with them completely and in some cases did not deal with them at all.

Considering the magnitude of the goal that was established by BIA and the obvious complexity of the problem, it appears that it is essential to have a well organized and managed program specifically designed to accomplish that goal. We believe that such a program should be formulated through a systematic analysis of (1) the program's goal and (2) the critical factors contributing to, or impeding effectiveness in, achieving that goal.

In view of the limited progress made to date in raising the academic-achievement level of Indian children to the national average, it may be necessary for BIA to evaluate the reasonableness of the 1976 target date. We believe, however, that, regardless of the target date which might be established, BIA will not achieve its goal unless the fundamental concepts of a sound management system are implemented.

We believe also that BIA should develop an effective management information system to assist the program manager in assessing the specific educational needs of the students, in identifying the major problems that must be dealt with, in devising the specific strategy for overcoming these problems, in implementing an education program responsive to the students' needs, in measuring progress toward stated goals, and in assessing the effectiveness of each responsible level within the BIA school system in achieving the established educational goals. The system should provide for comprehensive and consistent data on the students' academic aptitude and achievement levels and program-oriented financial management reports.

RECOMMENDATIONS TO THE SECRETARY OF THE INTERIOR

We recommend that the Department of the Interior require the Commissioner of Indian Affairs to:

--Clearly apprise all operating levels of the goal of reaching a level of academic achievement for Indian students equal to the national average and the date by which it is to be accomplished.

--Identify and assign priorities for dealing with all critical factors known to impede progress toward accomplishment of that goal.

--Develop a comprehensive educational program which is designed specifically to overcome the factors which impede progress in meeting the goal and which is flexible enough to meet the needs of students in all BIA-operated schools.

--Establish periodic milestones, such as the amount of improvement in the academic-achievement level necessary at the end of each successive year, to accomplish the established goal.

--Periodically evaluate program results on the basis of these predetermined milestones to allow redirections of effort as may be necessary.

--Develop a management information system providing:

1. Meaningful and comprehensive information on the academic aptitude and achievement levels of students in the BIA school system.
2. Program-oriented financial management reports geared toward the management needs of BIA education program officials.

MATTERS FOR CONSIDERATION BY THE CONGRESS

The Special Subcommittee on Indian Education, Senate Committee on Labor and Public Welfare, noted at the conclusion of its field investigation in 1969 that:

> "One of the most serious problems encountered was the lack of meaningful information and statistics that could be provided by the BIA, the Agency of the Federal Government directly responsible for Federal Indian programs. Time after time the staff was faced with inadequate, incomplete or nonexistent information important to the conduct of such a study. One can only wonder how an agency with such a responsibility for so long a time can possibly determine the effectiveness of their own programs without having available--and without making the effort to compile it--basic information necessary to evaluation."

The Subcommittee stated in its report that the lack of reliable data meant that the Congress could not carry out its legislative oversight function and that monies could not be appropriated wisely nor could effective and responsible legislation be developed.

As discussed in chapter 2 of this report, the situation has not changed significantly since 1969. BIA still has not developed and implemented an information system which would provide the data needed for effective administration and management of the BIA school system.

In view of the concern which has been expressed by the President and by members of the Congress regarding the quality of Indian education, the Congress may wish to consider enacting legislation requiring BIA to furnish certain specific information which the Congress could use to evaluate the progress being made in improving Indian education. Such information could include:

--A statement of BIA's educational goals and the criteria with which BIA plans to measure progress toward these goals.

--A comprehensive plan to accomplish these goals. Such a plan should identify the critical tasks that need to be performed to reach the established goals; should assign priorities; and should include estimates of the cost for required staffing, equipment, and facilities.

--An annual report comparing actual program results with the predetermined milestones on a BIA-wide basis, as well as summary statistical data on the results achieved at each BIA-operated school. Such a report should identify progress in critical areas, such as English communication skills, and should compare progress in these areas to overall student progress. The reasons for, and the proposed solutions to, any significant shortcomings also should be explained in the report.

CHAPTER 4

AGENCY COMMENTS AND GAO EVALUATION

The Department of the Interior, in commenting on a draft of this report in a letter dated March 16, 1972 (see app. I), stated that the Department was generally in accord with the report findings and that it expected that the conclusions and recommendations would constructively support BIA's efforts to improve its education program.

The Department stated also that when making

> "*** an evaluation of the program it would be impossible for a correct analogy to be concluded on the results of tests conducted the previous year against future program plans."

The Department stated further that programs could not be conclusively evaluated within such an immediate time frame and that it would be normal to expect that, in a program of the magnitude of BIA's educational endeavor, from 5 to 10 years would be required to statistically prove any increased effectiveness through student test results. The Department noted that we had not given due cognizance to departmental and congressional commitments and efforts to improve educational opportunity for the American Indian.

We recognize the problems associated with using the results of tests conducted the previous year in evaluating the effectiveness of BIA's current and future programs. As discussed in chapter 2, BIA does not have an adequate system, however, for measuring the progress of students and for evaluating the effectiveness of its educational program in meeting its established goals. We agree that it would have been desirable to obtain student academic-achievement data covering several years. Such data was not available, however, and, by necessity, our evaluation of progress in meeting BIA's education goals was limited to the data which was available in the schools we visited. Therefore we had no meaningful basis for giving recognition to the various commitments and efforts to improve educational opportunity for Indians, including the quality of that education. One of the key issues discussed in this report is the need for a management information system which, we believe, is essential for evaluating the effectiveness of BIA's education program.

The Department stated that it would respond directly to the Subcommittee on Indian Affairs, Senate Committee on Interior and Insular Affairs, concerning the matters discussed in chapter 2. The Department's comments on our recommendations to the Secretary of the Interior are discussed below.

The Department did not indicate what action would be taken to apprise all operating levels of the goal of reaching a level of academic achievement equal to the national average and the date by which it was to be accomplished. The Department stated that a task force had been established in March 1971 to review the goals and objectives of BIA's education program and the necessary organizational changes to achieve them.

The Department outlined a number of steps to be implemented in fiscal year 1973 for assigning priorities for dealing with all critical factors known to impede progress toward accomplishment of its goal. We believe that effective implementation of these steps will assist BIA in strengthening its education program.

The Department's reply was not fully responsive to our recommendation that BIA develop a comprehensive education program specifically designed to meet the needs of all students in BIA schools. The Department stated that Indian students attending BIA schools were geographically isolated, had atypical social conditions in their homes, or had emotional or economic problems which could not be handled in a traditional school setting. The Department also noted that first attention must be given to compensatory activities which would enable the child to function in a school environment, and that emphasis on the special needs of the students must continue as a prime goal, together with efforts directed toward academic achievement.

One of the key issues in this report is that, although BIA has known for years that most Indian children in BIA schools require some form of special or compensatory education, its education program has not been designed to fully meet these needs. BIA has not established a systematic means of determining the special and compensatory needs of its students.

The Department stated that specific actions were being taken to upgrade the ability of school personnel to deal with the special nature of the students served. These actions should help to improve the quality of BIA's education program, provided that appropriate action is taken by BIA to ensure that the special needs of all students are identified and met.

Concerning our recommendations for establishing periodic milestones--such as the amount of improvement in the academic-achievement level necessary at the end of each successive year to accomplish the established goal--and for making periodic evaluations of results, the Department stated that these exercises were impractical since the BIA goal must be tempered by the reality of Indian self-determination, the special nature of the students served, and the availability of funds.

We disagree that it is impractical to establish milestones and evaluate program results, particularly in an education program. We believe that, regardless of the goal or goals established for Indian education, effective management requires the development of an appropriate strategy for meeting established goals and the periodic evaluation of progress toward meeting these goals.

Concerning our recommendation for development of an education management information system, the Department stated that BIA would work with all levels of school management to design and implement a system which would incorporate existing data and interrelate it with data collected about pupils, property, program, and community and that the output from the information system would be custom designed to meet the requirements of all users of BIA educational information. We believe that effective use of information to be provided by the proposed system should assist BIA in managing its schools.

CHAPTER 5

SCOPE OF REVIEW

Our review was directed toward evaluating the effectiveness of the management methods followed by BIA in its efforts to improve the quality of Indian education and to raise the academic-achievement level of Indian children up to the national average by a specified date.

The work was done primarily at BIA's central office in Washington, D.C.; at BIA's Navajo, Phoenix, and Juneau Area Offices located in Window Rock and Phoenix, Arizona, and Juneau, Alaska, respectively; and at 12 BIA schools under the jurisdiction of these area offices. Although BIA has a total of 11 area offices, the three included in our review were responsible for schools having about 64 percent of the total BIA school enrollment. The 12 schools visited accounted for about 17 percent of the total BIA school enrollment and included four off-reservation secondary boarding schools, one on-reservation secondary boarding school, four on-reservation elementary boarding schools, two on-reservation elementary day schools, and one combined elementary and secondary day school.

We reviewed the applicable policies, regulations, procedures, and practices pertaining to administration of BIA's school system at the central office, area and agency offices, and school levels. We examined pertinent records, reports, and documents and interviewed BIA officials, tribal leaders, school administrators, teachers, and counselors concerning the problems and issues of Indian education. We examined also a number of studies and research projects dealing with Indian education.

Those issues in this report which are of an educational nature were discussed with professional educators at BIA, the Office of Education, the American Personnel and Guidance Association, Northern Arizona University's College of Education, and the Office of the Los Angeles County Superintendent of Schools.

APPENDIX I

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAR 16 1972

Mr. Max Hirschhorn
Associate Director
Civil Division
U.S. General Accounting Office
Washington, D.C. 20548

Dear Mr. Hirschhorn:

The Department of the Interior has reviewed with interest your draft report, "Opportunity to Improve Indian Education in Schools Operated by the Bureau of Indian Affairs, Department of the Interior," and are generally in accord with its findings. We expect that its conclusions and recommendations will constructively support the Bureau's efforts to improve its education program. We concur that the draft report reflects the program levels as of the date the material was initially collected, July 1971. When taking an evaluation of the program it would be impossible for a correct analogy to be concluded on the results of tests conducted the previous year against future program plans. Our concern is that the programs cannot be conclusively evaluated within such an immediate timeframe. It would be normal to expect that in a program of the magnitude of the Bureau's educational endeavor that from five to ten years would be required to statistically prove any increased effectiveness through student test results. We believe the GAO has not given due cognizance to the Departmental and Congressional commitments and efforts to continue to improve the educational opportunity for the American Indian.

Recommendations or suggestions

1. "The Commissioner of Indian Affairs should clearly apprise all operating levels of the goal of reaching a level of academic achievement for Indians equal to the national average and the date by which it is to be accomplished."

In March 1971 a task force was established to review the goals and objectives of the Bureau's Indian Education Programs and the necessary organizational changes to achieve them. The funding necessary to carry out these specific programs is planned for FY 1973. The goal for academic achievements for Indian students was developed in 1963. The goal of bringing Indian high school graduates to a level equal to the National average by 1976 is probably too optimistic but remains our commitment.

2. "Identify and assign priorities to all critical factors which are known to impede progress toward accomplishment of that goal."

As part of our major program thrust in the projected plans for FY 1973, we have identified and assigned priorities as follows:

a. To measure growth of pupils individually and in groups;

APPENDIX I

b. To compare growth of individuals and groups with other reference groups;
c. To obtain clues for curriculum adaptation and improvement;
d. To help students plan for education and vocational goals;
e. To assist in grouping, scheduling, and programming;
f. To help educators plan for individual or group needs; and
g. To diagnose difficulties so remedial work can be planned.

Although the above priorities have been identified and assigned, we would caution against absolute reliance on the results, since recent information indicates that many of the measurement instruments currently available are culturally biased and do not reflect accurately student development and achievement.

3. "Develop a comprehensive educational program which is specifically designed to overcome the factors which impede progress in meeting the goal, and which is flexible enough to meet the needs of students in all of BIA's schools."

The enrollment pattern of Bureau-operated schools is of a special nature. About three-fourths of the Indian students living on reservations attend public schools. The Bureau-operated schools serve the one-quarter who are the most geographically isolated or have atypical social conditions in the home or have emotional or economic problems which cannot be handled in a traditional school setting. First attention, then, must be given to compensatory activities which will enable the child to function in a school environment. This emphasis on the special needs of the students must continue as a prime goal, together with efforts directed toward academic achievement.

In this regard, specific actions are now being taken which will effect an overall upgrading of the ability of school personnel to deal with the special nature of the students served. Upgrading of academic achievement may be expected.

4. "Establish periodic milestones, such as the amount of improvement in academic achievement level necessary at the end of each successive year of the program to accomplish the established goal."

We feel that at this juncture in a changing educational program emphasis this goal must be tempered by the reality of Indian self-determination, the special nature of the students served, as well as the availability of funds all of which greatly complicate the situation and make this exercise impractical.

5. "Periodically evaluate program results based on these predetermined milestones to allow timely redirections of effort as may be necessary."

See above.

6. "Develop a management information system providing (a) meaningful and comprehensive information on the academic aptitude and achievement level of students in the BIA school system. (b) Program-oriented financial management reports, geared toward the management needs of BIA education program officials."

Our approach for developing an educational management information system for the Bureau of Indian Affairs is, working with all levels of school management, to design and implement a system which will take advantage of the data existing as a result of the present operating procedures for schools, and interrelate these files with data collected about pupils, property, program, and community. The "output" from such an information system will be custom designed to meet the requirements of all users of BIA educational information.

Specifically, it is anticipated that the following activities will be undertaken:

a. Financial Management System--The Office of Education Programs has requested a restructure of assigned cost feature account codes. The necessary software changes should be completed during FY 1972.

b. Pupil Accounting System--Permanent student records should be completed on every BIA student and on file in the Data Center. Pilot work on this project will be completed before the end of the 1973 Fiscal Year and student data should be available to users on a predetermined and scheduled basis.

c. Staff or Personnel System--Much work has already been done in this area. By FY 1974 the few additional items required by Education about teachers should be completed.

d. Curriculum or Program Information--This is the common denominator or the linkage which will eventually pull all files together for the Educational Information System. The key to the establishment of this file is the development and acceptance of standard terms and definitions about curriculum and program. Once the terms have been defined, the other files should be updated with specific assignments of courses by teachers and specific courses completed by students.

e. During the 1974 Fiscal Year there will be an increasing need for IADC services in the area of test scoring and analysis. The measurement of student achievement has been described as a priority program need for years. A special task force report will describe the services required.

APPENDIX I

Due to the limited time allowed in reviewing the draft report and the discussion evolving with the members of the Senate Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs during the hearing on the Comprehensive Indian Education Act of 1972 regarding your draft report, we will respond directly to the Subcommittee concerning the specifics in your Chapter 2.

Secretary Loesch in testifying during those hearings stated: "Much has been written and said of the educational deficits of Indian Americans. Less has been written or said, however, about the rather substantial progress which has taken place during the past ten to twenty years."

"It seems possible that the dismal picture which has been put forward has reached a point of being counterproductive so far as the morale of the Indian peoples is concerned. This is also true of the morale of the many dedicated people serving them in schools of all types."

We suggest that in developing the final report that adequate note be made of the positive elements of the Bureau's Indian Education programs be included to place the problems in context.

Sincerely yours,

J. T. Hall Jr.

Director of Survey and Review

APPENDIX II

PRINCIPAL OFFICIALS OF THE DEPARTMENT OF THE INTERIOR RESPONSIBLE FOR ADMINISTRATION OF ACTIVITIES DISCUSSED IN THIS REPORT

	Tenure of office	
	From	To
SECRETARY OF THE INTERIOR:		
Rogers C. B. Morton	Jan. 1971	Present
Fred J. Russell (acting)	Nov. 1970	Dec. 1970
Walter J. Hickel	Jan. 1969	Nov. 1970
Stewart L. Udall	Jan. 1961	Jan. 1969
ASSISTANT SECRETARY FOR PUBLIC LAND MANAGEMENT:		
Harrison Loesch	Apr. 1969	Present
Vacant	Jan. 1969	Apr. 1969
Harry R. Anderson	July 1965	Jan. 1969
DEPUTY ASSISTANT SECRETARY FOR INDIAN AFFAIRS:		
William L. Rogers	June 1971	Present
COMMISSIONER OF INDIAN AFFAIRS:		
Louis R. Bruce	Aug. 1969	Present
T. W. Taylor (acting)	June 1969	Aug. 1969
Robert L. Bennett	Apr. 1966	May 1969
Philleo Nash	Sept. 1961	Mar. 1966

U.S. GAO, Wash., D.C.

United States Department of the Interior,
Office of the Secretary,
Washington, D.C., March 16, 1972.

Mr. Max Hirschhorn,
Associate Director,
Civil Division,
U.S. General Accounting Office,
Washington, D.C.

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In this regard, specific actions are now being taken which will effect an overall upgrading of the ability of school personnel to deal with the special nature of the students served. Upgrading of academic achievement may be expected.

4. "Establish periodic milestones, such as the amount of improvement in academic achievement level necessary at the end of each successive year of the program to accomplish the established goal."

We feel that at this juncture in a changing educational program emphasis this goal must be tempered by the reality of Indian self-determination, the special nature of the students served, as well as the availability of funds all of which greatly complicate the situation and make this exercise impractical.

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Sincerely yours,

J. T. HALL, JR,
Director of Survey and Review.

APPENDIX B

AN ASSESSMENT OF ADULT EDUCATION AS EXPRESSED BY MEMBERS OF THE YAKIMA INDIAN NATION

For the

Center for the Study of Migrant and Indian Education

Toppenish, Washington

A Project for Central Washington State College

RC007604

AN ASSESSMENT OF ADULT EDUCATION
AS EXPRESSED BY MEMBERS OF
THE YAKIMA INDIAN NATION

This report was prepared for the Confederated Tribes and Bands of the Yakima Indian Nation, funded by the Bureau of Indian Affairs, and coordinated through Central Washington State College's Center for Migrant and Indian Education.

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This project was undertaken upon the request of the Director of the Division of Education of the Confederated Tribes and Bands of the Yakima Indian Nation and the Director of Education for the United States Bureau of Indian Affairs.

This project was contracted with Gail A. Stevens, who acted as project coordinator and co-author. Dr. Robert E. Krebs designed and co-authored the project.

The purpose of the study is to provide information and guidelines for planning future adult education programs by the Yakima Indian Nation, the Bureau of Indian Affairs, and the Central Washington State College Center for the Study of Migrant and Indian Education.

It is also intended that other organizations concerned with adult education for Indian people will utilize this report as a reference from which to select information and suggestions for program development and proposal preparation.

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PREFACE

The authors wish to acknowledge the efforts of those persons who assisted in the task of formulating this report. It is not presented as a definitive work, but rather as a statement of educational preferences articulated by Indian people.

One of the areas which has received attention from Tribal education leaders is the provision for adult education on the Reservation. This report provides a summary of interviews conducted by the field staff and an overview of concerns expressed by Indian people relating to adult education.

Recommendations and program suggestions are included with the hope that they will be useful in developing instructional programs and materials which are compatible with the viewpoints and expectations indicated by the data.

Programs which are primarily planned, administered, and operated by Indian people for Indian people will accomplish most in the facilitation of educational, social and economic aims.

Gail A. Stevens

Robert E. Krebs

October, 1971

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I. INTRODUCTION

A. Purpose

Education leaders of the Yakima Indian Nation are cognizant of the need for additional adult educational experiences for Indian people. Because of this awareness, it was determined that the wishes, interests, and expectations, as expressed by Indian adults, form the basis for the planning and development of new adult education programs. The purpose of this assessment was to ascertain the preferences of the Indian people interviewed.

An attempt was made to identify factors which may limit enrollment and prevent attendance. Suggested strategies are included which may assist in the development of viable education programs for Indian adults.

B. General Background

Most citizens of the United States generally assume that the extent of national illiteracy does not represent a serious detriment to the educational or social well being of the population. Where illiteracy does exist, it is usually taken for granted that the incidence is relegated to relatively small, isolated population pockets. Contrary to these assumptions, however, the data on the present rates of illiteracy and future trends indicate that limited educational attainment constitutes a basic national problem. Moreover, undereducation is neither confined to specified geographic locations nor to particular segments of the population. According to the 1960 Census, 24 million adults (13.4 per cent of the total population) 18 years or older had completed less than five years of schooling.[1] Illiteracy trends were recently calculated for the U. S. Office of Education. Compared to the 1960 estimates, 20.9 per cent of the total adult population aged 18 years or over had less than eight grades of schooling.[2] It is truly alarming that a nation boasting universal and compulsory education continues to disregard the serious degree of undereducation and the accompanying disparity in opportunity which adds to the national character of the problem. The consequences of limited education are generally associated with lower earning capacity, higher rates of unemployment, more dependence on public assistance, and insufficient literacy skills for vocational training. The educationally deficient adult must usually accomodate or withdraw from the economic and social complexities of the larger society. Rarely does the illiterate person have opportunities to make real choices in a range of possible goals or to significantly influence (in a constructive sense) the decisions of those who establish policy that may eventually affect his well being.[3]

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[1] William S. Griffith and Ann P. Hayes, Adult Basic Education: The State of the Art (Department of Education, University of Chicago, March 1970).

[2] Ibid.

Since the enactment of the Economic Opportunity Act of 1964, national interest has focused more sharply on basic educational needs of adults. Subsequent legislation increased the amount of funds for planning and implementing literacy programs. Unfortunately these programs, according to much of the current literature, continue to be inadequate for the significantly large proportion of the population which requires educational skills commensurate with potential ability and social and economic needs.

The Illiteracy Commission of the National Education Association defined illiteracy as the inability to effectively use reading and writing skills in any language in daily life.[4] "Functional illiteracy," which is descriptive of comprehensive educational deficiency, is a nebulous concept which continues to pose a problem in the determination of what constitutes a basic education. The term is commonly applied to those people who lack a good command of communication skills. The amount and quality of education required to become functionally literate, however, continues to be a debatable matter. The established model of five to eight years of formal schooling may be an arbitrary and unrealistic estimation of the proficiency needed to cope with the demands of contemporary society. Moreover, while an individual may have fulfilled the minimum attendance standard, it is not necessarily correct to assume that he had reached that level of achievement. The extent of educational deficiencies within the nation's adult population may be far greater in degree and number if either or both of these considerations is more thoroughly examined.

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[3] Howard E. Freeman and Gene G. Kassebaum, "The Illiterate in American Society: Some General Hypotheses," in Basic Education for the Disadvantaged Adult, eds. Frank W. Lanning and Wesley A. Many (Houghton Mifflin Company, Boston, 1966), p. 135.

[4] Charles McKenny, "An Illiteracy Program," in Basic Education for the Disadvantaged Adult, eds. Frank W. Lanning and Wesley A. Many (Houghton Mifflin Company, Boston, 1966), p. 12.

C. Education of American Indians

National statistics have provided the basis for generalizations concerning the extent of illiteracy within particular segments of the population. Timothy Regan and Jules Pagano contend that the "Indian education problem is the worst of any minority in the United States."[5] While all other Americans average 11.2 years of schooling, the Indian completes only five years. The Education for American Indians Office of the United States Office of Education reports the total dropout rate for the Northwest region is 48 per cent.[6] To a large extent, the use of native language is generally prohibited in the classroom and courses on Indian culture and history are usually not included in the curriculum. Even in adult education programs, it appears culture is typically not taught and classes are poorly attended.[7] Regan and Pagano attribute the undereducation of Indian people to traditional practices which have negatively effected the educational experience of young and old alike. Their analyses contain the charges that: those who administer various Indian boarding schools are inadequately prepared; the perpetuation of contexts, symbols, and values of middle class Anglo culture is paternalistic and tends to negate a rich cultural history and life style; and various federal government policies may be fundamentally antagonistic. "The result, generations of Indian adults who have dropped out of school, unable to read and unable to cope with the increasing attacks on their culture, is highly visible proof of their educational disadvantage."[8]

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[5] Timothy F. Regan and Jules Pagano, "The Place of Indian Culture in Adult Education," Adult Leadership, June, 1971, p. 53.

[6] Ibid.

Results of extensive research suggest failure to improve the general quality of education for Indians or to design specific programs with operational significance for Tribal groups that have different cultures, geographic settings and economic development. The following conditions in varying degrees can be evidenced in the majority of the U. S. Indian population of 800,000:

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[7] Ibid.

[8] Ibid.

- Dropout rates are twice the national average
- The level of formal education is half the national average
- Achievement levels are low
- The Indian child falls progressively behind the longer he stays in school
- Indian children in the twelfth grade have the poorest self-concept of all minority groups tested. These children often abandon their own pride and purpose and leave school to confront a society in which they have been offered neither a place nor a hope*

As a result of educational deficiencies and the exigencies of poverty:

- The average Indian income is $1,500 a year--75 per cent below the national average
- His unemployment rate is ten times the national average
- He lives ten years less than the average American
- The death rate for his children is twice as high as the national average

While the focal point of programs for educationally deficient adults seems to be the facilitation of employment, the total perspective must include many far-reaching considerations. Basic to the planning and implementation of adult education programs are complex personal and group preferences as to the types of programs which may satisfy a "felt need," occupational orientation, location of possible employment, family, and community factors.[9]

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*Statement of Honorable Robert F. Kennedy, a United States Senator from the State of New York, hearings before the Special Subcommittee on Indian Education of the Committee on Labor and Public Welfare, Part 2, February 19, 1968.

The American Indian has been the subject of an almost inexhaustible supply of literature, opinions, observations, and policy statements--many of which have not benefited Indians. Many Indian leaders maintain that Tribal groups would more satisfactorily profit from an increased responsibility in the investigative process, planning, designing, and operating educational programs which directly affect their welfare. Programs which are comprehensive and appropriate for the wishes and needs of a population are, presumably, best expressed by the people who are to be served.

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[9] Manpower Development and Training Program, U. S. Office of Education, Educationally Deficient Adults: Their Education and Training Needs (Washington: Government Printing Office, 1965), p. 1.

II. METHOD

Research findings of various adult education programs indicate that the emphasis of most basic education and literacy programs has been oriented to vaguely defined goals intended to influence "good and productive" citizenship. The most recent trend in adult education, perhaps in recognition of the increasing demand for skilled workers, tends to be considerably more pragmatic. The need for literacy skills as tools for occupational preparation is receiving attention in the revision of basic goals--one of which is employment. Almost every study of employment and unemployment conditions substantiates the importance of skill, training, and education in the labor market.[10] For this reason it may behoove planners of adult education programs to investigate both the educational and training preferences of a target population in order that programs developed will be commensurate with stated priorities.

A. The Sample

Data related to the educational preferences of adults of the Yakima Indian Nation were collected by field interview. Geographic areas were identified as White Swan, Wapato, Toppenish and Satus. A sample of respondents was selected from the four communities.

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[10] Ibid.

B. Field Staff

Four interviewers gathered information within the geographic areas previously designated. A field coordinator organized the collection of data and assisted with the activities of the interviewers. All field personnel who worked on the project reside on and are members of the Yakima Indian Nation.

C. Procedure

Prior to conducting the interviews, the data coordinator, interviewers, and the project staff met on several occasions to discuss the types of information pertinent for inclusion in an interview guide. A guide was drafted and a pre-test was conducted to ascertain its appropriateness.

A structured interview technique was selected to allow adults an input that would go beyond merely checking or underlining answers on a standard questionnaire form. The interviewers, assisted by the guide, were instructed to elicit subjective information from the adults with whom they talked.

D. Objectives

1. Identify the wishes and expressed needs related to adult education for adult members of the Yakima Indian Nation.

2. Determine which of these expressed wishes and needs have high priority.

3. Develop strategies and program suggestions for possible inclusion in adult education programs and project proposals to be submitted to various organizations for funding.

III. FINDINGS OF THE STUDY

A. Population

The respondents were selected from the following geographic areas in Washington State: Toppenish (34.8%), Wapato (30.3%), White Swan (22.7%), and Satus (12.2%).

Sixty-eight per cent of those contacted were female and 32 per cent were male. Most respondents were in the 26-45 year age range (61.3 per cent), 25.8 per cent were in the 17-25 year age range, and 12.9 per cent were 46 years of age or older.

B. Educational Background

Of the respondents who stated their level of education (last grade attended), 25.4 per cent claimed to have completed high school, 6.8 per cent received a General Educational Development or Adult Education Diploma, and 10.2 per cent attended college from less than one to more than one year, but none had graduated from a four year degree granting institution. Two females completed teacher aide programs and were employed by the public schools.

C. Adult Career Vocational Education

The vast majority of the respondents (82.8%) stated that they were unfamiliar with the currently operating Adult Basic Education Programs in White Swan and Wapato. More importantly, interviewers reported that many respondents had no knowledge about adult basic education, per se, as an alternative form of education.

A large number of respondents preferred attending adult career education classes if instruction could be offered in the local Longhouse (70%) during evening hours (93.5%).

When potential types of adult career classes were discussed, the respondents indicated the following preferences:

1. (20.0%) secretarial (typing, filing, shorthand, etc.)
2. (11.4%) clerk (cash register, etc.)
3. (0.0%) sales (e.g., cars, equipment, insurance, door-to-door, etc.)
4. (13.3%) sewing
5. (9.5%) day care and home visitors (baby care, health, home economics)
6. (17.1%) mechanical
    - (10.5%) a. automobile repair
    - (2.9%) b. household appliance repair
    - (3.8%) c. other services (plumbing, electrical, etc.)
7. (5.7%) forestry
8. (0.0%) agriculture
9. (3.8%) construction (truck and heavy equipment)
10. (7.6%) management training (small retail or manufacturing business)

11. other

(1.9%)	a.	teacher aide
	b.	nurse training
(-1.0%)	a.	pawn shop
	b.	mortuary
	c.	advance shorthand
	d.	law
	e.	home finance
	f.	home economics
	g.	librarian
	h.	English

Many respondents indicated that attendance in education classes and knowledge in the above areas could considerably augment their employment opportunities.

D. Adult Basic Education

Over 90 per cent of the respondents aspired to improve reading and writing skills. Approximately 10 per cent, however, stated they had no interest in adult basic education classes.

The responses of the 90 per cent who wished to improve reading skills were:*

1. (18.9%) beginning reading
2. (39.6%) remedial reading
3. (7.5%) leisure reading
4. (40.0%) speed reading

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*Because remarks made by respondents were not relegated to a single category, the percentages do not total 100.

The responses related to writing were:

1. (27.0%) beginning writing
2. (7.3%) remedial writing

The arithmetic responses were:

1. (24.5%) beginning arithmetic
2. (57.2%) remedial arithmetic
3. (18.3%) other
    a. (2.0%) algebra
    b. (10.2%) new (modern) math
    c. (6.1%) advanced math

E. Tribal Studies

Suggested special education classes that might be designed to assist Indian adults in acquiring more knowledge about Tribal affairs were:

1. (23.5%) Arts and Crafts
2. (10.5%) Tribal government (Tribal council, General council)
3. (11.9%) Treaties of the Yakima Indian Nation
4. (11.9%) Cultural history
5. (15.0%) Language (Indian)
6. (10.5%) Tribal resources (land, timber, minerals, water, etc.)
7. (6.1%) Tribal resource (agencies services--health, credit, etc.)
8. (11.5%) Legal system--Tribal judicial system

9. (8.0%) Civil rights

10. (3.0%) Other (Tribal religion, social work, nurse training)

Most respondents voiced interest in more than one of the above areas of Tribal studies.

F. Adult Advanced Education

The interviewers attempted to ascertain the extent of interest for programs for high school credit; classes for college credit, or attending college full time. The following percentages are based on the interviewer-respondent discussion of adult advanced education.

Forty-four per cent expressed a desire to receive a high school diploma (General Educational Development) through an adult education program.

Fifty-five per cent contemplated the possibility of taking college classes for credit. All who responded preferred a local arrangement for attending college classes.*

Thirty-two per cent expressed some desire to attend college full time, but all identified one or more of the following factors as limiting the opportunity to achieve this goal: (Listed in order of the number of times mentioned):

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*Only one male respondent maintained that no problems would be associated with establishing residence on a college campus.

1. family obligations; 2. money; 3. transportation;
4. time; and 5. educational background

G. Factors Affecting Enrollment and Attendance

Respondents were asked to comment on possible obstacles which might prevent them from enrolling and attending adult education classes. Numerous difficulties cited by individuals indicate that multiple problems would need to be solved. The following categories appear to constitute the most pressing factors which may inhibit enrollment and attendance:

1.	(34.8%)	cost of books or supplies
2.	(23.7%)	family obligations
3.	(16.7%)	need for baby sitters
4.	(12.5%)	lack of time (could be related to family obligations)
5.	(11.1%)	transportation
6.	(1.4%)	other problems (not specified)

The respondents were also asked if they would attend adult level education classes (any type) if no fees were charged. An overwhelming 80 per cent said they would definitely be interested.

IV. SUMMARY OF THE FINDINGS

It is important to note that feedback from the field staff, after interviewing had commenced, indicated that many Indian adults were somewhat reticent about being approached to voice their viewpoints and opinions on education. This hesitancy might be attributed to a general distaste for "surveys" and "studies" related to the Tribe and/or to the fact that education is not considered a pressing personal concern. It appeared that younger adults, who may have had unsatisfactory educational experiences, were most reluctant to be interviewed. In retrospect, the project design should also have included an accounting of those who refused to talk with interviewers about their preferences for adult education. This procedure would have allowed an opportunity to assess the reasons for their apparent disinterest and, in turn, to suggest ways to encourage involvement in future adult education programs.

A significant number of the respondents had little or no knowledge of the present Adult Basic Education Programs in White Swan and Wapato. Many respondents offered positive suggestions to improve communications so that residents would receive information regarding the GED Programs. (These suggestions are listed in the section on Recommendations of this report.)

Differences in responses appear to be attributable to age groupings. The interviewers reported that many of the younger respondents were not "turned on" by the prospect of attending any adult education class. Their remarks indicated that any future commitment to formal education was a waste of time. A number of older respondents (46+) who had no specific comments regarding basic and career classes felt it was too late for them to "go back to school" and suggested that efforts be directed toward recruitment of the younger generation.

The respondents' educational background suggests a higher level of grade completion (10.7 years) than the national average for Indian people (5.6 years). This 10.7 average years of grade completion may be unrealistically high due to the face-to-face interview technique used to collect the data and to the fact that approximately two-thirds of the respondents were female (the females tended to have completed more years of school than had the males).

The respondents who were interested in adult education preferred that instruction be offered at the local Longhouse during the evening. In order to make attendance feasible, a variety of personal problems must be overcome. Family obligations and a lack of money for education constitute major hindrances. Transportation, time, and educational background were mentioned less frequently as potential deterrents to attendance. It is suggested that the amelioration of these problems will enhance the probability of enrollment and consistent attendance.

When questioned about attending adult career education classes (e.g., secretarial, clerk, sales, etc.), the majority of respondents selected more than one course in which they might be interested. As mentioned previously, participation in these courses was viewed as contributing to opportunities for employment and increased earnings.

Once the essence of adult basic education was clarified, respondents were more inclined to express an interest in improving basic skills. Of those who responded, 90 per cent felt that beginning and remedial classes would assist in overcoming educational deficiencies. Basic education classes were also considered requisite for other types of training.

The respondents in the 26-45 and the 46+ year age brackets identified Tribal studies as having considerable priority. It is noted that a majority of the respondents expressed an interest in more than one area of Tribal studies.

Of the four types of adult education identified in this study (Career, Basic, Tribal Studies, and Advanced) fewer preferred advanced (college level) classes. Of those who did respond to this inquiry, a significant number said they would likely attend adult advanced education classes if instruction or a special college program could be offered near their homes at no cost. However, these respondents mentioned some educational deficiencies and felt that prior remedial course work would be required before they would undertake advanced studies.

V. RECOMMENDATIONS AND PROGRAM SUGGESTIONS

1. The types of adult education considered in this study may be broadly grouped into Career, Basic, Tribal Studies, and Advanced. These four categories, however, are not to be viewed as mutually exclusive. An essential aspect of program development for adult learners is that which provides for the integration of various educational interests and goals. To achieve the needed relevancy in adult education programs, it is recommended that a "cluster" approach be favored. A coordinated and/or combined arrangement among academic and career classes not only supplies a more flexible approach to adult education needs, but also articulates logically related skills and training.

2. The career development classes that most respondents preferred seem to be related to the types of jobs that would not require establishing residence away from the Reservation. In order to provide career classes that are desired and could lead to meaningful employment, it is recommended that potential job opportunities on or near the Reservation be assessed. This information should be available from a study recently conducted for the Yakima Indian Nation.

3. Adult advanced education was the least desired type program. Many respondents felt that college level studies are not

feasible for them at the present time, or expressed a variety of problems that seemed to reduce their interest. The respondents who would like to enroll in classes for college credit or become full time college students could be measurably assisted if programs were offered on an off-campus basis (on the Reservation), money provided for expenses, and family obligations resolved.

4. The enthusiasm associated with classes or programs dealing with Tribal studies suggests that a Tribal studies curriculum could also be utilized as a unique instructional vehicle in the achievement of adult basic education goals. It is recommended that selected areas of Tribal studies be integrated with adult basic education classes. Since regular adult basic education instructional materials are presently not within the context of Tribal studies, specialized adult basic education materials would need to be developed. This might be accomplished by education leaders in cooperation with the Central Washington State College Center for the Study of Migrant and Indian Education.

5. There is sufficient justification for special adult basic reading, writing, and arithmetic instructional materials that go beyond the three "R's" concept. An experimental approach to the development of adult basic education instructional materials might include:

1. Content of materials which have a high appeal to to the adult learner.

2. Materials which are sufficiently flexible to enable the student to "come in" at any point and progress at his or her own rate.

3. Materials which can be self-administered. Research findings of adult education methods suggest that a self-evaluation device is more effective than comparison with other class members.

4. Content of materials which contributes to the practical knowledge of the adult learner (i.e., consumer math, job application, home management, health).

5. Study materials which are appropriate for use by both individuals and groups. Shared activities tend to positively effect motivation and learning (e.g., parents--children; friends, etc.).

Several experimental programs (cluster) that combine adult basic education objectives with both Tribal studies and career classes need to be developed. The development and testing of related instructional materials should be encouraged and project proposals submitted to federal and other funding sources.

6. It is recommended that Yakima Valley Community College, Central Washington State College, and possibly Perry Institute develop special adult education programs that could be offered on the Reservation. Yakima Valley Community College might develop some career courses for college credit. Central Washington State College could provide off-campus instruction leading to a baccalaureate degree, and supply the needed resources for developing specialized adult

level instructional materials. The Perry Institute may be interested in offering, under special contract, career and specialized vocational training programs that are identified in this study.

7. Some respondents specifically mentioned the need for recruiting and training Indian adult education teachers.

The present para-professional Indian teacher training programs at the Center for Migrant and Indian Education might be expanded beyond the elementary and secondary level to include adult education para-professionals. Some para-professionals who are currently involved in career ladder training programs should be encouraged to specialize in instructing adults. Both academic and career guidance training would be helpful so that an integrated curriculum can be offered.

Consideration should also be given to the experimental (research) aspects of these training programs, and the dissemination of the results on a national level.

8. The complexion of any educational program will be largely determined by the administrators and staff who are responsible for planning and operation. Adult education programs should be originated by and continue to be a visible growing product of the Indian adults own efforts. It is strongly recommended that Indian people assume a vital role in the formulation and administration

of educational projects. The staff might also work in cooperation with groups which are interested in sponsoring programs or classes.

9. The many problems referred to by respondents need to be solved if reasonable enrollment and attendance is to be expected (see Section III, G for listings of these problems). Groups and organizations of various kinds, in addition to the BIA and the Yakima Indian Nation, should be involved in helping alleviate these roadblocks to learning.

Adult education program planners and developers must be cognizant of these personal difficulties and incorporate innovations to assist individuals in ways that will allow them to benefit from adult education classes.

10. Motivational incentives to encourage enrollment and attendance should be an integral part of adult education programs. Experimental adult education programs might incorporate various reward systems and other positive reinforcement techniques.

11. The Yakima Indian Nation and/or the BIA might consider establishing a performance contract with a private organization or educational agency to plan and operate one or more of the adult education programs suggested in this report. Any potential program should specifically require the involvement and/or training of Indians as administrators and teachers. Performance contracts might also be considered in the development of specialized adult education

instructional materials. In this sense, training and concomitant development of specialized materials might be accomplished by a performance contract which involves Indian people as members of the contract team.

12. Many respondents lacked knowledge about the nature of adult basic education programs and over 80 per cent claimed to be unfamiliar with the two adult basic education programs being conducted by the BIA. They were specifically asked how communication might be improved. The following ideas are arranged in the order of times mentioned.

1. Tribal newspaper
2. Person-to-person techniques (telling others, etc.)
3. Bulletin news for each center
4. House-to-house meetings to explain program and how it would help
5. Radio (repeat announcements, talk programs, etc.)
6. Weekly papers (town newspapers, etc.)
7. More advertisements in all media
8. Display and discussions in places like the Public Health Center

It is recommended that an extensive and continuing informational campaign be planned and organized in conjunction with the development of any and all adult education programs for the Yakima Indian Nation.

VI. POTENTIAL SPONSORS FOR PROGRAM SUPPORT

1. Indian Programs, Economic Opportunity Act of 1964, as amended, of the OEO Community Action Program.

Funds are allocated directly to the Tribe in accordance with priorities which the Tribe has determined. Programs are administered by the Tribe in cooperation with the national headquarters OEO Indian staff. Programs include education at every level, training, health, manpower, management, housing, community development, economic development, components of CAP and others. A variety of organizations are eligible to provide assistance in developing programs on the Reservation.

2. On-Reservation Adult Education, P.L. 67-85 of the Department of the Interior Bureau of Indian Affairs, Division of Community Services.

This program is geared to Indian adults who lack satisfactory educational background and who want to remain and become more active participants in the Reservation community. Training units are developed and adapted to the needs of Tribal situations. Non-federal adult education agencies can play an active role in the development of adult education programs.

3. Adult Basic Education--Demonstration Projects and Teacher Training, Adult Education Act of 1966, P.L. 89-750, Title III,

Sec. 309 of the U. S. Office of Education Division of Adult Education Programs.

The legislature provides support for demonstration and teacher training projects. One of the projects could assist in a career ladder training program for Indian para-professionals. Also, the development of educational instructional materials might be included in a demonstration project.

4. Cooperative Research Program--Cooperative Research Act, P. L. 83-531, as amended by P. L. 89-10, Title IV.

This program provides support for jointly financed cooperative projects for the conduct of research, surveys, and demonstrations in the field of education. This also includes the dissemination of results. It may be feasible to arrange a cooperative effort to design, develop, and test instructional materials which would be appropriate for use by Indian adults.

5. The Adult Education Act of 1966, P. L. 89-750, Title III, Sec. 309-B 20 U. S. C. 1201-1213.

This legislation is designed to strengthen the on-going state grant adult basic education program through project grants that support experimentation with new teaching methods, programs, techniques, and with new operational and administrative systems. Project grants could be used to develop innovative ABE programs particularly if there is a cooperative arrangement with other programs in a way that demonstrates a comprehensive or coordinated approach.

Formula grants are allocated to states which in turn support ABE Programs to enable adults to overcome English language limitations and to improve their basic education in preparing for occupation training.

6. The Snyder Act of November 2, 1921, 42 Stat. 208, P. L. 67-85, 25 U. S. C., Sec. 13.

This legislation provides for general instruction for Indian adults who lack adequate education. Training programs may be used for basic adult education, including reading, English, and mathematics, as well as a broader range of subject matters such as rights of citizenship and consumer protection. Programs are generally limited to persons 18 years or older residing on trust lands who are one-quarter degree Indian blood or more.

7. The above Snyder Act (plus the act of June 25, 1910, paragraph 23; 36 Stat. 861; 25 U. S. C. 47, the Buy Indian Act), provides grants for training and research projects in community development.

8. The Snyder Act also provides project grants, advisory services and counseling to establish vocational training programs and employment opportunities for Indians. (This is in addition to actually funding the training programs, per se.) The programs

should be designed to assist Indian people in obtaining marketable skills and employment through vocational training. These projects may or may not be part of the local schools programs, thus a great deal of flexibility exists for the development of new innovative career programs.

9. Educational Professions Development Act, Part B-2, Sec. 518; P. L. 90-35; 20 U. S. C. 1108-1110 C; FR 45-174.

This legislation provides formula grants to states for the purpose of enabling local education agencies to identify and meet critical needs for trained personnel--particularly personnel who have not been previously engaged in classroom instruction (aides and para-professionals). This program could be developed in cooperation with a local community or state college and geared to educational opportunities for Indian adults. In addition, innovative career (vocational-technical) projects may be designed to relate academic and career goals. This approach may also require the training of qualified personnel who have the skills, knowledge and attitudes required to integrate an effective career-education system.

10. Vocation Education Amendment of 1968, Titles I and II, P. L. 90-576, 20 U. S. C. 1241 to 1391, 82 Stat. 1064-1091, Title 45.

This and related vocational education legislation offers a number of formula and project grants that may support a variety of vocational education programs for Indians. Among these programs are: Basic Grants to States, Consumer and Homemaking, Cooperative Education, Curriculum Development, Planning and Evaluation, Research, Special Needs, Work Study and Innovative and Exemplary Programs or Projects.

11. Support for specific adult education research and demonstration projects might be secured from:

National Center for Educational Research and
Development
Office of Education
400 Maryland Avenue S.W.
Washington, D. C. 20202

Assistance is available for:

1. Educational research, demonstration, and dissemination
2. Innovative training programs
3. Curriculum research at all levels
4. Development and testing of specialized instructional materials
5. Critical evaluation of present adult education programs

APPENDIX A

Location (designated generally by school district boundaries)
( ) Satus, ( ) Wapato,
( ) Toppenish, ( ) White Swan

Interviewer___________Date______

GUIDE FOR QUESTIONS RELATING TO ADULT EDUCATION COURSES THAT COULD BE DEVELOPED ON THE YAKIMA INDIAN RESERVATION

Name:______________________________Sex:____________________

Education Level (last grade attended)______________________________

Age: 17-25 ( ) 26-45 ( ) 46+ ( )

(Elicit responses by conversation)

EXAMPLES OF ADULT EDUCATION CLASSES PERTAINING TO EMPLOYMENT OPPORTUNITIES

1. Secretarial (typing, filing, shorthand, etc.)
2. Clerk (cash register, etc.)
3. Sales (e.g., cars, equipment, insurance, door-to-door, etc.)
4. Sewing
5. Day Care and Home Visitors (baby care, health, home economics, food preservation, etc.)
6. Mechanical
    a. automobile repair
    b. household appliance repair
    c. other services (plumbing, electrical, etc.)
7. Forestry (record type of training desired)
8. Agriculture (record type of training desired)

9. Construction (record specific skills desired)

10. Management Training (how to set up and run small retail or manufacturing business)

11. Other: Include any additional type of adult education class, skill, or training the interviewee feels they want or need.

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1. Would you be interested in classes to improve your reading and writing?

2. If you are familiar with the currently operating Adult Basic Education programs in White Swan and Wapato, what are your reactions to the content and success of these programs? Are they well attended, why or why not?

3. ADULT BASIC EDUCATION (determine classes respondent would be interested in attending--suggestions include):

READING	WRITING	ARITHMETIC
a. beginning	a. beginning	a. beginning
b. remedial	b. remedial	b. remedial
c. leisure	c. other	c. other
d. speed reading		
e. other		

4. TRIBAL STUDIES (Adult Level Classes): Possibilities might include:

Arts and Crafts

Tribal Government (Tribal Council; General Council)

Treaties of the Yakima Indian Nation

Cultural History

Language (Indian)

Tribal Resources

a. land (timber, minerals, waters, etc.)
b. agencies (public health, credit bureau, etc.)

Legal System - tribal Judicial system

Civil Rights

Other (specify)

GENERAL QUESTIONS

1. What would be the best time(s) for you or members of your family to attend classes if an Adult Education Program were operated?

   Morning   Afternoon   Evening

2. Where would it be most convenient for you to attend classes? Would it be convenient for you to attend class at your local Longhouse? if not, where else?

3. If you wanted to attend adult education classes, what might keep you from being able to go: (elicit responses from conversation)

   Need for babysitter
   Transportation
   Lack of time
   Family Obligations
   Cost of books and supplies
   Other

4. Would you attend classes if no fees were required?

5. If you do not have a high school diploma would you be interested in receiving one through an Adult Basic Education program?

6. Would you be interested in attending more advanced classes for college credit?

7. Would you be interested in attending college? What problems do you see that might prevent you from doing so?

8. How could information regarding an Adult Basic Education program get to the people?

ADDITIONAL COMMENTS:

APPENDIX C

Material supplied by witnesses representing Indian Organizations.

MARCH 11, 1972.

Mr. PETER MACDONALD,
Chairman,
Navajo Tribal Council,
Window Rock, Ariz.

DEAR MR. MACDONALD: I regreat that you were unable to be present to testify in behalf of S. 2724, the Comprehensive Indian Education Act, during the recent hearings held on the bill by the Indian Affairs Subcommittee of the Senate Interior Committee. Your presence would have indicated to the members of the full Interior Committee the importance the Navajo Tribe attaches to this piece of legislation. However, I do understand that you were occupied with Tribal Council matters and, therefore, were unable to come.

Messrs. John Martin and Ralph Davis, who represented the Tribe at the hearings, were able witnesses; but the statement which they introduced was somewhat brief and left many unanswered questions. Therefore, I would appreciate it if you or Mr. Martin or Mr. Davis would amplify somewhat on this statement, specifically by answering the following questions:

1. On page 2 of your statement, you contend that the National Board of Regents would not be accountable to Indians on a local level. Would you please describe for me what sort of accountability must exist between the National Board of Regents and Indians on a local level, and how this accountability might be meaningfully exercised.

2. On page 2, you suggest that "the net effect of a National Board would be to involve the Indian people in fierce political conflicts that would seriously hinder the development of Indian self-determination in the field of Education." I would appreciate your being more specific concerning this charge.

3. On pages 2 and 3, you suggest that a better approach to improving Indian education would be to "establish an Indian office of Education and to staff it with Indian administrators." How does this proposal differ from the National Board of Regents proposed by S. 2724?

4. I believe that the bill as now written would not prohibit the channelling of funds from the National Board of Regents to the Office of Education that the Navajo Tribe has established. Can you point out what section of the bill it is which you feel would limit the ability of the National Board of Regents to deal with any organization other than local school boards.

5. On page 4 of your statement, you suggest that S. 2724 "does not protect the Indian people against possible exploitation by conflicting groups, and cannot as presently drafted accomplish the intended purposes." What do you mean by this statement?

6. Do you believe that language clarifying the relationship of the National Board of Regents to the contemplated local school boards in such a way as to guarantee local autonomy to local school boards is necessary or would be desirable? If so, what language would you suggest?

As you know, we are trying to move this bill along as quickly as we can. Therefore, I would appreciate having your answers to these questions, as well as any additional comments you may wish to make on the bill itself or on the educational problems facing the Navajo Nation, as soon as you can possibly provide them.

Sincerely yours,

CLINTON P. ANDERSON.

THE NAVAJO NATION,
EXECUTIVE OFFICE OF THE CHAIRMAN,
Window Rock, Ariz., April 6, 1972.

Hon. CLINTON P. ANDERSON,
U.S. *Senate*,
Washington, D.C.

DEAR SENATOR ANDERSON: As you know, the position of the Navajo Tribe as pertains to S. 2724 was not presented in detail at the recent hearings held on the bill by the Indian Affairs Subcommittee of the Senate Interior Committee. With this letter, I am serving a more detailed statement of the Tribe's position relative to this bill which I have developed in connection with the Tribe's Division of Education. I trust this material will answer most of the questions you may have relative to the Tribe's position on the bill. As you will note, this statement contains alternatives to certain parts of the bill which I feel need revision. I request that this statement be presented to the committee in addition to the statement previously submitted. Furthermore, in answer to your specific questions contained in your letter of March 11, 1972, please be advised as follows:

1. According to statistics published by the Department of Interior, there are in existence 467 Indian entities each with different languages, cultures, needs and population sizes. Within the structure indicated by the bill, I do not see any way a National Board of Regents could be accountable to Indians at the local level, because of vast differences exemplified by the many Indian groups.

As I have recommended, a Commissioner of Indian Education directly under the Secretary of Interior would be obligated to contract with Tribes or Indian groups whenever such tribes or Indian groups determined themselves ready. Contracting could be for all or part of school operations, again depending on the degree of readiness and the policy of self-determination of the Tribe involved. Under such a structure, accountability would remain within the Tribe.

2. Invariably, appropriations for the education of Indians is never adequate. Under such a situation where a Board has the authority to make grants and provide assistance to Indian tribes and local school boards, it may appear to some tribes that they are not receiving their fair share as compared to other tribes, this would result in anomosity between Tribes and between board members who also belong to certain tribes. Tribes would become polarized and political conflicts would develop in the field of education as well as other areas.

3. The President's message of July 8, 1970, pertaining to Indian Affairs and Indian self-determination has not been effectively implemented because some of the key top level Washington staff personnel appear to have other ideas. From personal observation and experience, Boards make decisions based on information provided by staff personnel. Unless Board members are full time operational people, it could be that an all Indian staff will be more effective.

4. The bill does not establish any priorities with regard to contracting. Nothing in the bill guarantees that the Tribal government will be involved when dealing with members of the Tribe. The National Board of Regents could deal directly with any of at least sixty federal schools attended only by Navajos on or around the Navajo Reservation and completely by-pass the Navajo Tribal structure. In the attached position paper, I have suggested contracting priorities and supporting arguments for them.

5. The bill has no real and enforceable preference provision with regard to the distribution of funds.

6. Presently, a fixed appropriation made to the Bureau of Indian Affairs central office is allocated to area offices for use in different categories including education. With the fixed allocation at the area level, all federal schools under the jurisdiction of the area are allocated funds for operation. If some schools get more money, other schools will get less money, therefore, in order to avoid unequal treatment for each school, the area office must make wise decisions. Any conflicts which might arise from unwise decisions has an effect on a Tribe if more than one school exists within the jurisdiction of such tribe. If funding to other local school board had no effect or impact on funding to other local school boards, or if bypassing the tribe to deal with local school

boards had no effect upon the sovereignty and trust relationship between the Tribe and the Federal government, I could see no argument against local school board autonomy.

I sincerely hope that I have answered your questions.

Sincerely yours,

PETER MACDONALD,
Chairman, Navajo Tribal Council.

STATEMENT OF NAVAJO EDUCATION DIVISION

We thank you for allowing us to testify for you today in relation to Johnson O'Malley appropriations. We must begin by telling you that we have tried for a long time to determine the basis on which JOM funds are distributed. We are unable to do so.

CHART #1 represents the national JOM distribution over the past several years. As you can see, there is a considerable difference between funding that goes into various areas. When we have asked for an explanation of the discrepancies we have been told that Johnson O'Malley is based on need, not on per capita. We do understand that need is to be the intent of the statute and the regulations, but our next question has been, and continues to be, "What criteria do you use for need?" The only quantitative need figures contained in Bureau statistics refer to dropout rates. These figures are contained in *CHART #2*. They are unconvincing figures. There is not direct or indirect correlation between dropout rates or changes in dropout rates and Johnson O'Malley funding. In fact, if you were to take the figures seriously, you would have to assume that in some cases, increased JOM funding has resulted in an increase in the dropout rate. The national distribution remains a mystery to us.

We now turn to the State of New Mexico where 11,137 of the total 15,992 Johnson O'Malley students are Navajos. We will drop discussion of equitable distribution for a moment and refer you to *CHART #3* which shows the variation in funding for New Mexico schools over the past several years. We have again asked the Bureau and the State of New Mexico to defend this seemingly random system. Not surprisingly, neither one can. We cannot believe that in some districts the needs triple in one year while they decrease in the adjoining district down the road.

CHART #4 shows the JOM distribution figures for the State of New Mexico for the school year 1971–72. No one in our experience has been able to tell us why the needs of Navajo students in the Farmington district amount to only $9 per student, while the needs of Indian students in Albuquerque come to $486 a student.

This year, the State of New Mexico, which has always been delegated the job of program planning and distribution has admitted they have seriously botched Johnson O'Malley, both in relation to program choice and distribution. Their new, more equitable distribution for 1972–73 is included on this chart.

We now find that the Albuquerque Area Office, which admits that it delegated all JOM responsibility to the State, is defending the distribution system that it didn't participate in. They have gone one step further. They have urged Tribes in heavily funded districts to contract directly with the Albuquerque B.I.A. to bypass the State and avoid a more equitable distribution system.

We have, of course, resisted this. We think that reform begins with an acknowledgement of error. We appreciate and support this acknowledgement from the State. We regret the efforts of the Albuquerque Area Office to divide Tribe against Tribe.

We have a simple goal, and we hope that it is a goal shared by you. We want to see Johnson O'Malley distributed on a logical basis, and we think there is only one. The funding should be based on the special educational needs of Indian students. We are working toward that day. We will continue to do so. We ask for your support.

JOHNSON O'MALLEY PROJECTIONS

State	1970-71			1971-72			1972-73		
	JOM pupils	JOM amount	P. C. Cont.	JOM pupils	JOM amount	P. C. Cont.	JOM pupils	JOM amount	P. C. Cont.
Alaska	3,000	$3,505,000	$1,168	3,508	$3,750,000	$1,069	4,272	$4,591,000	$1,075
Arizona	15,809	3,965,000	251	16,462	3,750,000	228	17,385	3,937,500	226
Colorado	864	250,000	289	915	275,000	301	989	288,750	292
Florida	325	25,000	77	300	10,000	33	318	40,500	127
Idaho	1,904	450,000	232	1,869	475,000	254	1,970	525,750	267
Iowa	176	135,000	767	194	150,000	773	210	157,500	750
Kansas	110	50,000	455	133	55,000	414	140	57,000	407
Minnesota	3,319	850,000	256	3,270	1,350,000	413	3,446	1,417,000	411
Montana	3,354	710,000	212	4,353	955,000	219	4,782	970,750	203
Nebraska	855	390,000	456	869	600,000	690	914	630,000	689
Nevada	2,665	190,000	71	2,624	205,000	78	2,921	215,200	74
New Mexico	13,555	2,553,000	188	15,992	2,251,810	141	16,836	2,254,454	134
North Dakota	1,825	450,000	247	1,818	625,000	344	1,891	656,250	347
Oklahoma	17,657	1,550,000	88	18,648	2,000,000	107	19,771	2,099,500	106
South Dakota	4,632	1,320,000	285	4,533	1,600,000	353	4,649	1,680,250	361
Washington	4,297	790,000	184	5,056	950,000	188	5,418	1,020,250	188
Wisconsin	1,404	425,000	303	1,461	375,000	257	1,536	393,750	256
Wyoming	1,100	100,000	91	958	125,000	130	1,193	131,250	110
Peripheral dormitories	2,243	1,782,425	795	2,116	1,925,000	910	2,091	2,021,250	967
Totals	79,714	19,640,425	[1] 246	85,079	21,426,810	[1] 252	94,421	23,087,904	[1] 245

[1] Average mean cost per pupil.

PER CAPITA FUNDING AND PERCENTAGE OF INDIAN DROPOUTS

State	1967		1968		1969		1970	
	Per capita	Percentage	Per capita	Percentage	Per capita	Percentage	Per capita	Percentage
Alaska	656	65.4	690	....	769	40.0	910	50.4
Arizona	254	56.7	236	56.9	248	48.6	256	62.4
Colorado	228	32.4	202	27.3	261	55.8	249	55.6
Florida	66	52.6	47	22.2	63	55.6	130	72.7
Idaho	105	80.2	108	60.0	131	48.0	264	40.3
Iowa	357	81.8	431	26.7	473	10.0	743	20.0
Kansas	125	33.3	231	57.1	170	50.0	368	55.6
Minnesota	106	69.4	110	61.5	140	60.0	297	46.9
Montana	53	65.9	55	60.8	56	49.0	135	61.4
Nebraska	220	73.5	287	73.1	284	82.6	381	67.3
Nevada	83	24.7	60	43.6	63	39.8	99	40.4
New Mexico	130	65.4	135	71.1	133	59.9	174	62.0
North Dakota	156	53.8	177	69.8	210	60.7	269	41.2
Oklahoma	37	41.2	38	38.8	40	45.5	63	46.6
South Dakota	211	64.8	150	69.6	197	58.7	295	71.7
Washington	34	60.9	40	22.2	54	31.3	116	34.0
Wisconsin	143	44.1	152	47.9	185	41.8	257	36.0
Wyoming	570	100.0	626	....	476	....	323	....
Peripheral dormitories	636	33.5	681	36.9	780	37.7	804	25.8
Total average	167	56.9	157	54.7	174	50.2	227	53.9

JOHNSON O'MALLEY ACTUAL INCOME (NEW MEXICO PUBLIC SCHOOL DISTRICTS)

School district	1966-67	1967-68	Increase or decrease	1968-69	Increase or decrease	1969-70	Increase or decrease	1970-71	Increase or decrease	1971-72	Increase or decrease
Albuquerque	[illegible]	[illegible]	[illegible]	[illegible]8,645	−$3,693	$73,693	+$45,048	$117,339	+$43,646	$120,636	+$3,297
Bernalillo	[illegible]	[illegible]	[illegible]	[illegible]3,249	−28,424	257,400	+154,151	197,299	−60,101	191,534	−5,765
Bloomfield	[illegible]	[illegible]	[illegible]	[illegible]3,589	−5,575	15,500	−8,089	65,271	+49,771	39,904	−25,367
Central	[illegible]	[illegible]	[illegible]	[illegible]0,551	−11,439	162,493	+41,942	155,914	−6,579	154,946	−968
Cuba	[illegible]	[illegible]	[illegible]	25,772	−6,479	72,243	+46,471	113,819	+41,576	84,842	−28,977
Dulce	[illegible]	[illegible]	[illegible]	48,175	−12,277	122,060	+73,885	123,585	+1,525	135,261	+11,676
Espanola	[illegible]	[illegible]	[illegible]	27,593	−7,848	12,860	−14,733	23,230	+10,370	31,730	+8,500
Farmington	[illegible]	[illegible]	[illegible]	14,949	−5,186	10,474	−4,475	10,416	−58	3,550	−6,866
Gallup	[illegible]	[illegible]	[illegible]	[illegible]5,155	−31,411	301,799	+46,644	419,278	+117,479	840,753	+421,475
Grants	[illegible]	[illegible]	[illegible]	65,983	−17,267	80,886	+14,903	120,448	+39,562	312,457	+192,009
Jemez Mountain	[illegible]	[illegible]	[illegible]	10,350	−2,502	20,060	+9,710	24,929	+4,869	23,695	−1,234
Jemez Springs	[illegible]	[illegible]	[illegible]	37,218	−12,279	70,339	+33,121	88,924	+18,585	73,273	−15,651
Los Lunas	[illegible]	[illegible]	[illegible]	25,309	−7,113	52,595	+27,286	64,507	+11,912	23,293	−41,214
Magdalena	[illegible]	[illegible]	[illegible]	24,802	−11,840	25,875	+1,073	44,875	+19,000	48,805	+3,930
Penasco	[illegible]	[illegible]	[illegible]	4,310	−1,170	4,446	+136	9,344	+4,898	7,563	−1,781
Pojoaque	[illegible]	[illegible]	[illegible]	12,744	−4,367	21,098	+8,354	20,296	−802	14,378	−5,918
Ruidoso	[illegible]	[illegible]	[illegible]	10,493	+810	27,357	+16,864	29,112	+1,755	18,752	−10,360
Taos	[illegible]	[illegible]	[illegible]	16,817	−5,890	17,350	+533	26,070	+8,720	11,406	−14,644
Tularosa	[illegible]	[illegible]	[illegible]	65,102	+543	101,040	+35,938	117,628	+16,588	115,032	−2,596
District totals (per year)	[illegible]	[illegible]	[illegible]	[illegible]0,806	−173,407	1,449,568	+528,762	1,772,284	+322,716	2,251,810	+479,526

+ − Increase or decrease from previous school year.

Source: "Statistics", State Department of Education.

	1971–72			1972–73		
	JOM amount	JOM pupils	P.C. Cont.	JOM amount	JOM pupils	P.C. Cont.
NAVAJO AREA OFFICE						
District:						
Jemez Mountain	$23, 695	74	320	$16, 440	96	171
Magdalena	48, 805	286	170	53, 427	320	167
Cuba	84, 842	482	176	82, 992	526	158
Gallup	840, 753	5, 867	143	920, 434	6, 421	143
Farmington	3, 550	375	9	53, 620	399	134
Bloomfield	39, 904	574	69	81, 215	632	129
Central	154, 946	3, 479	44	313, 520	3, 670	85
Total	1, 196, 495	11, 137	[1] 107	1, 521, 648	12, 064	[1] 126
ALBUQUERQUE AREA OFFICE						
District:						
Penasco	$7, 563	20	378	$5, 089	24	212
Tularosa	115, 032	441	260	82, 895	411	202
Albuquerque	120, 636	248	486	48, 860	252	194
Ruidoso	18, 752	55	340	9, 932	55	181
Grants	312, 457	961	325	157, 906	905	174
Dulice	135, 261	522	259	89, 806	516	174
Taos	11, 406	146	78	20, 088	131	153
Jamex Springs	73, 273	337	217	42, 239	300	141
Bernalillo	191, 534	1, 281	149	179, 238	1, 295	138
Pojoaque	14, 378	146	98	22, 106	166	133
Los Lunas	23, 293	314	74	36, 652	324	113
Espanola	31, 730	384	82	37, 995	393	97
Total	1, 055, 315	4, 855	[1] 217	732, 806	4, 772	[1] 154
STATE OF NEW MEXICO						
Area:						
Navajo	$1, 196, 495	11, 137	107	$1, 521, 648	12, 064	126
Albuquerque	1, 055, 315	4, 855	217	732, 806	4, 772	154
Total	2, 251, 810	15, 992	[1] 141	2, 254, 454	16, 836	[1] 134

[1] Average mean cost per pupil.

STATEMENT OF ROBERT K. CHIAGO, DIVISION OF EDUCATION SUBMITTED TO COMMITTEE ON INTERIOR AND INSULAR AFFAIRS ON INDIAN EDUCATION BILL S. 2724

Gentlemen:

On behalf of the Navajo Education Division, I wish to express my sincere appreciation to each of you for this opportunity to speak and express the feelings of the Navajo people in regards to Federal Indian Education on the Navajo Reservation. The Navajo Division of Education is a recognized division of the Navajo Nation provided for by Resolution of the Navajo Tribal Council. The Navajo Division of Education has been given the responsibility for the education of Navajo children. At the present time, the division is structured to monitor, to set policy, evaluate and to regulate Indian education programs as they affect Navajos living on or near the Navajo Nation or attending schools off the reservation in which there are a majority of Navajo students. We are especially concerned with the interplay between the Federal Indian schools, public and private schools. We are especially gratified that this committee has seen fit to address itself to the major problem of Indian education, especially the structure and operation of Federal Indian schools on Indian reservations. The Navajo Division of Education, in conjunction with concerned Navajo educators, and parents across the Navajo Nation have studied the contents of this Bill carefully and have reviewed it in detail.

The Navajo Division of Education is especially gratified that the United States Senate has resolved to reevaluate its position regarding Indian Education. The Navajo Tribe has a special interest in how these important questions are decided. The Navajo Nation covers an area the size of West Virginia. Over one-half of all Indian children now attending Federal Indian schools are Navajo. Because of the great number of Navajo children who participate in Federal programs, we are justifiably concerned over the prospect of a new direction in Indian education. The Navajo people have long felt that a primary reason for past failures to adequately educate Navajo Indian children lies in the fact that programs were not formulated by Navajo people. This absence of local control has caused programs to be unresponsive to the true Indian needs. The Indian education bill presently before this Committee makes laudible efforts to return a certain amount of control to the Indian people; however, in so restructuring Indian education, this bill creates another Federal Board located in Washington and away from the people. The Navajo Division of Education, although pleased with many aspects of the bill, cannot support it without certain key modifications to Title I. These recommendations are set out below.

Many parts of the Total bill are excellent reflecting not only a desire to correct many current deficiencies in Indian education, but also a sensitivity to the needs of Indian people. The Navajo Division of Education has consulted with a varied group of leaders and educators across the Navajo Nation concerning all aspects of this bill. There were basic agreements with Title II through V. I will not discuss those Titles in the body of this position paper, but have included an attachment which outlines the minor changes the Navajo Division would suggest.

As mentioned above there are, in our view, several deficiencies in Title I of the Act. Before outlining our recommendations it is important to set out these areas we take exception to. We do not approve of the formation of a National Board of Regents. If there is to be a National Board, it should be advisory only, and will hereafter be referred to as the National Advisory Board. It must not have the power to dictate to the Navajo Nation policy that affects specifically Navajo children. In its advisory capacity whenever it makes recommendations either to the Department of the Interior or to the Department of Health, Education and Welfare which specifically affects a single Indian nation, that Indian nation must have the right to veto that proposal. Similarly, when the Advisory Board is generally advising on budget and general policy which affects Indians across the country, these proposals should be submitted to the Indian people for their comments and such comments should be sumbitted along with the proposal of the National Board.

It is imperative that the National Advisory Board be made up solely of Indians. Therefore, the National Advisory Board should be made up of Indians selected from lists submitted by the various Indian nations. The National Advisory Board, as herein proposed, should attempt to represent as closely as possible the geographical and population concentration of Indian people. This is basically provided for in Section 103(a) of Title I of this Bill. In this way, there will be less likelihood that policy affecting large concentrations of Indians will be determined without at least some participation of those Indians conerned. This proposed restructuring of the National Advisory Board not only assures greater and more equitable representation of Indian people but it also, and more importantly guarantees to the various Indian nations that degree of sovereignty and independence which is guaranteed to all other people. It insures that the Indian people will be able to secure for their children the destiny which is determined relevant by the Indian people.

What we recommend is nothing less than a restructuring of Indian education within the Bureau of Indian Affairs. Currently the BIA is not directly responsible to the Secretary of Interior; nor is the Deputy Commissioner of Indian Education directly responsible to the Commissioner of Indian Affairs. These breaks in direct line authority allow adverse interests to be inserted and thus allow the Indian interests to be subrogated to other more politically favorable interests. Even within the BIA itself Indian Education is often relogated to a position of an unwanted poor relative. This is inspite of the fact that more money is allocated to Indian Education then all other BIA activities combined. These breaks in authority, and internal rivalisms make it impossible for the Indian interests to have a proper voice.

The Commissioner of Indian Affairs should be replaced with two Commissioners. One would have sole responsibility for Education, the other for all other BIA functions. Each would be equal in authority and directly responsible to the Secretary of Interior. These two Commissioners would work together on all BIA general planning, yet would retain their separate line of authority. Such a structure would accomplish two important gopls. It would first elevate the entire BIA so that it is directly responsible to the Secreaty of Interior; and, it would also establish direct line authority for Indian education and eliminate internal misunderstanding and rivalry. This proposal is not designed to set up two rivals within the same department, but rather a structure to provide better and more effective and efficient service to Indian people and thereby improve all aspects of the BIA's work.

Of course the critical element of any comprehensive program would be the establishment of local control. The first part of this proposed recommendation establishes a mechanism through which local control can be established. A Tribal education division should have authority to contract directly with the Commissioner of Indian Education for the policy making control of all Federal schools attended solely by members of such tribe. Tribes or Tribal organizations should have first preference to contract where funding under the terms of contracting have an effect on more than one school within a particular tribe. Where a Tribe elects not to contract, or a contract directly with a local school board has no effect or impact on other schools within the same tribe, local school boards would have authority to contract directly with the Commissioner of Indian Education. Such contracts will not undermine Tribal sovereignty or cause inequality of education within Tribal jurisdiction without regard to actual tribal desires. Such a structure would allow tribes the option to contract and act much like a State Department of Education. The Tribe would have general overriding responsibility to formulate policy and procedure. The Tribe may set up a system of districts within the reservation much like local school boards to formulate specific policy at the local level and within the general guidelines set by the tribe. A Tribe should have the option to decide the structure best suited for it.

Contracts may deal with the actual operation and administration of schools or they may deal exclusively with policy and procedure. A tribe or local school board should have the option to evaluate itself and contract for all or part of school operations depending on its own state of readiness. A method of assuming control without the operational responsibility is by means of contracting for the determination of policy and procedure for a school or school system. This system of contracting allows for tribes or tribal organizations without delay to assume control of the policies which underlie their schools. Immediate control is achieved without simultaneously jeopardizing the entire project with the additional responsibility for operation. The plan is flexible. If a tribe does not act, local schools may act for themselves. Through this method both small and large tribes can allow the people to assume control over their own education.

The organization that actually contracts with the Bureau must have certain specific powers that go beyond the powers enumerated in the existing Title I of S.2724. Most important is the power to set standards for schools and also general certification qualifications for all educational personnel. One of the most critical problems at the local level is teachers who have not been motivated to take an active interest in the cultural background of the Indian children. These teachers persist in using outdated material which is racially bias without regard to other viewpoints. If the contracting entity could set standards, the people could be better assured of having responsive teachers, and thus a better education experience.

A second area of concern is with current lower level BIA personnel who have in the past been responsible for policy. These people have often proven to be immovable when presented with an Indian request. The contracting entity should have the authority to transfer unresponsive BIA personnel to other available governmental positions. This transfer process should take place notwithstanding any existing Civil Service regulation. We are not advocating that these persons be terminated, but rather that they be removed to a less sensitive job. Such a proposal does not contemplate wholesale removal. The majority of local people can prove responsive given the proper information and leadership. Any existing limitation of non-Civil Service personnel administering Civil Service personnel would have to be corrected. The tribal administraters would not generally be high ranking civil service personnel.

As pertaining to Johnson O'Malley, we recommend that tribes or tribal organizations, irregardless of the fact that they may be unincorporated have the authority to contract for the administration and control of all Johnson O'Malley money that goes to public schools in and around the territory under the tribe's jurisdiction. There can be little doubt in light of specific congressional action that Johnson O'Malley money is meant to be used specifically for Indian needs. Therefore, it is altogether just and proper that Indian organizations have control over how these funds are expended for Indian children.

We have attempted to outline those deficiencies in Title I of the Bill and to provide our alternative method of solving the very grave Indian education problem now facing this country. We have suggested that if a national board is required, it should be advisory only. We also suggest a restructuring of Indian education within the Bureau of Indian Affairs. The real center of educational power must lie with the Indian people, more specifically with the Indian Nations themselves. Tribes must be given the authority to contract directly with the Bureau of Indian Affairs and to administer and regulate Indian programs directly effecting them. They must also be allowed the right to contract for the administration of Johnson O'Malley Programs. The National Board must be made up of Indians which truly represent Indian population centers. The Navajo Nation must not be denied its right to determine its own destiny, to control its own education and to determine in the same manner as other American citizens, its future and the future of its children.

Thank you gentlemen for giving me this opportunity to speak and to relate the views of the Navajo people.

92d CONGRESS, 1ST SESSION S.2724

IN THE SENATE OF THE UNITED STATES October 20, 1971

The following are amendments to Title II of S.2724, the Jackson Bill, which were developed at the Legislative Seminar sponsored by the Navajo Division of Education. The Legislative Seminar was held on December 10, 1971 through December 11, 1971 at the Fort Defiance Chapter House in Arizona.

Title II of the parent bill begins on page 13 and goes through the top of page 36.

PART A--AID TO LOCAL EDUCATION AGENCIES

ENROLLING INDIAN PUPILS

1. Pages 14 and 15 section 202(a)(2)(c), line 25, page 14 and lines 1 through 11, page 15. Change this section to read as follows:

> For the purposes of this subsection, the average per pupil expenditure for a local education agency shall be the greater of (i) or (ii) as follows:
> (i) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which this computation is made, of all the local education

agencies in the State in which such agency is located, plus any direct current expenditures by such State for the operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children who were in average daily enrollment for whom such agencies provided free public education during such preceding fiscal year, or (ii) the aggregate current expenditres, during the second fiscal year preceding the fiscal year for which the computation is made, of the local educational agency who is making application for a grant under this part, plus any direct current expenditures by the State in which the applying local educational agency is located for the operation of such agency (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children who were in average daily enrollment for whom the applying local

educational agency provided gree
public education during such
preceding fiscal year.

2. Section 203, line 10: change "205" to "204."

3. Section 204(b)(2)(A), line 15 through 19, page 19.

(A) Will first utilize the best available talents and resources of Indian people in the Indian community and will substantially increase the educational opportunities of Indian children in the area to be served by the applicant; and

4. Section 204(b)(2)(B)(iii), lines 4 through 9, page 20.

(ii) With the participation and approval of a committee composed of parents participating in the program for which assistance is sought, teachers, and where applicable, secondary school students, provided that such, committee shall be selected by parents of children participating in the program for which assistance is sought, and provided that a majority of such committee shall be composed of parents not employed by the local educational agency.

5. Section 205(a), lines 2 through 7, page 21.

Section 205(a) The Commissioner, subject to the provisions of section 206, shall upon approval of an application under section 204, advance to each local educational agency which has had an application approved in an amount equal to at least 10% of the sum approved under such application, and shall from time to time pay to such local educational agency an amount equal to the amount expended by such agency in carrying out activities under such application.

6. Section 205(b)(2), line 15 through 22, page 21.

(2) No payments shall be made under this part to any local educational agency for any fiscal year unless (i) the State educational agencies finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and

a State with a respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year, and (ii) where applicable, the State educational agency finds that the tax effort of the local educational agency is equal to or greater than the average tax effort in the State as a whole. [Alternative (ii) where applicable, the State educational agency finds that the tax effort of the local educational agency is equal to or greater than the average tax effort for similar districts within the State as determined by the State educational agency in consultation with the Commissioner.]

7. Section 202(c), line 23, page 24, and through 21, page 25.

(c)(1) Subsection 3 of Public Law 874, Eighty-first Congress as amended, is amended by changing subsection (a) to subsection (b), subsection (b) to subsection (c), subsection (c) to subsection (d), subsection (d) to subsection (e), and subsection (e) to subsection (f), and by inserting at the beginning thereof the following new subsection (a):

"(a) For the purpose of computing the amount to which a local educational agency is entitled under this section for any fiscal year, the Commissioner shall determine the number of Indian children who were in average daily attendance at the school of such agency, and for whom such agency provided free public education, during such fiscal year, and who, while in attendance at such schools, resided on real property held in trust by the United States for individual Indians or Indian Tribes, real property held by individual Indians or Indian tribes which are subject to restrictions on alienation imposed by the United States."

(2) Subsection (b) of Public Law 874 as amended in accordance with subsection (c)(1) of section 202 of this Part, is amended by inserting the following parenthetical statement after the words "Commissioner shall determine the number of children":

"(other than Indian children to whom subsection (a) of this section applies)."

(3) Subsection (c) of Public Law 874, as amended in accordance with subsection (c)(1) of section 202 of this Part, is amended by deleting the parenthetical statement which follows the words in the first paragraph, "the Commissioner shall also determine the number of children," and inserting the following parenthetical statement:

"(other than Indian children to whom subsection (a) of this section applies and children to whom subsection (b) of this section applies)."

(4) Subsection (d) of Public Law 874 as amended in accordance with subsection (c)(1) of section 202 of this Part, is

amended (A) by inserting in subsection (d)(1)(B) after the words "the sum of the number of children determined under subsection (a)" the following words:

"and subsection (b)," and - -

(B) by deleting in subsection (d)(2) in the first sentence after the words "with respect to a number of children determined under subsection (a)" the word "or" and inserting a comma, and by inserting the following words after the words "subsection (b)":

"or subsection c," and - -

(C) by deleting the word "(b)" in subsection (d)(2) in the second sentence after the words "children determined under subsection" and inserting the word "(c)", and by inserting after the words "any number of children determined under subsection (a)" the following words:

"and (b)".

(5) Subsection (f)(1) of Public Law 874, as amended in accordance with

subsection (c)(1) of section 202 of this Part, as amended (A) by deleting the word "or" after the words "to whom subsection (a)" and inserting a comma, and - -

(B) By inserting after (b) the words "or (c)."

(6) Same as (1) on page 24 beginning lines 23 through 24, and page 25 lines 1 through 11, except delete in line 4 of page 25 the phrase "or 3(b)," in accordance with the amendments in section 202(c)(1) of this Part.

(7)(A) and (B) Same as section 202 (c)(2) A and B except make the following changes:

On lines 16 through 17 after the phrase "Upon children who reside on" delete the phrase contained within the commas, and add at the end of the sentence after "Indian lands" the following: "in accordance with the amendment to Public Law 874 contained in section 202 (c)(1) of this Part."

In line 20 of (B) change "(A)" to "(a)."

8. Section 206, lines 11 through 18, page 26.

Add at end of section 206:

"Provided that at such time that a tribal educational agency is established and assumes control of Department of Interior schools, such tribal educational agency shall be considered for purposes of this Part to be "State educational agency."

9. General changes:

In Title II change the word "title" to "Part," thus making clear that the application procedure refers only to Part A, and not to Parts B, C, and D.

Commentary on Changes in Title II of S.2724

PART A

1. This change allows local educational agency which has a per pupil expenditure greater than the average per pupil expenditure for the State as a whole to receive an amount equivalent to its local per pupil expenditure. Previous to the change, the most a local educational agency could receive per pupil was the average per pupil expenditure for the State as a whole.

2. Correction of a typographical error.

3. Provides for giving preference to Indians in hiring.

4. Requires a committee composed of parents, teachers, and in some instances secondary school students, but a) selection of members rests entirely in the hands of the parents, where previously selection was in the hands of all three groups on the committee, and b) provides that a majority be composed of parents not employed by the local educational agency, where previously only 50% were parents, and also parents employed by the local educational agency were allowed to make up the 50%.

5. This change allows local educational agency

to have operating funds available for immediate institution of the program as opposed to having to spend first and being reimbursed later with the possible result that a local educational agency may find that it has no funds to begin operating in the first place.

6. The change embodied in "ii" assumes that a local educational agency who has not attempted previously to make a reasonable tax effort, so that its "combined fiscal efforts for the second preceding fiscal year" does not reflect such a reasonable tax effort, will be required to make a tax effort equal to or greater than the average tax effort in the State as a whole before such a local educational agency will be entitled to payments under its application.

Note that the measure of a "reasonable tax effort" is the "average tax effort in the State as a whole." This may be an unfair measure for school districts which have lands without a high value, or which have non-taxable lands within the areas served by the local educational agency. Thus, perhaps a fairer measure would be a tax effort "equal to or greater than the average tax effort for similar districts within the State as determined by the State educational agency in consultation with the Commissioner."

Finally the phrase after (ii) "were applicable" was inserted because were a "local educational agency" is a BIA school or a BIA contract school, or a local public school controlled by Indians and located in an area composed entirely or almost entirely of tax exempt lands, it would not be fair to require these types of local educational agencies to make a tax effort equal to or greater than either the State average, or the average of a similar school district in the State. They would not abe able to meet that measure whether because such a local educational agency has no power to tax or because there is no taxable land in the area served by the local educational agency.

7. Public Law 874 is amended here to allow so called "double connected benefits" to go to Indian children who simply reside on Indian land with their parents, thus eliminating the requirement that their parents must also be employed on Indian land. Thus, "double connected benefits" would go to all Indian children who reside with parents on Indian land.

This change may be difficult to justify to Congress as the following narrative indicates.

Entitlements under Public Law 874 are based on tax losses to the State because of federal property and federal employment in the State. The payments are as follows:

One entitlement for each child whose

parents live on federal property because the State cannot tax such federal property.

One entitlement for each child whose parents work on federal property because the State cannot tax income from federal salaries.

Two entitlements for each child whose parents both live and work on federal property because the State loses both real property taxes and income taxes.

Thus it is difficult to justify giving a State a double entitlement for each Indian child whose parents live but do not work on federal property because the State is in theory not losing any taxes since the parent is not working at all, the theory behind the entitlement for children whose parents work on federal property being that if parents were not working on federal property, they would either be working on State property and thus be paying State income taxes, or the parents would not be in this State at all and thus not be benefiting from State services.

Perhaps an argument could be made that unlike other types of federal property on which the federal government provides various types of employment opportunities which in turn becomes the reason that people live on federal property, the federal government does not provide employment opportunities for Indians on Indian lands and should therefore pay double entitlement for Indian children whose parents live on Indian lands yet are unemployed.

Perhaps other arguments could be raised to support double entitlement for Indian children residing with their parents on Indian lands where the parents are unemployed.

A more difficult case arises where the Indian parent lives on Indian lands but works on State property and thus pays State income taxes because in this case the federal government would in theory be paying the State for a loss of income taxes which it would not in fact be losing. To take care of this situation, perhaps a proviso would best be added to (c)(1) at the end of new subsection (a) as follows:

> "Provided that where the Indian parent is employed within the State in which the local educational agency is located, the children of such parent shall be included in subsection (c)."

8. This change allows a tribal educational agency to be treated on par with a State educational agency

or the Department of Interior in so far as that concerns the receipt of funds under this Part and the authority to monitor and set guidelines for the expenditure of such funds.

9. This change is made necessary by what seems to be an oversight by Jackson's draftsman when they pieced together the various bills, especially Kennedy's bill, to make up Jackson's bill. The word "title" fits in Kennedy's bill, but not in Jackson's since Title II of Jackson's bill is made up of four separate Parts with each Part being like a title within Title II.

PART B--SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR AMERICAN INDIAN CHILDREN"

Amendments to the Jackson Bill beginning with page 27.

1. Section 810(a)(2), line 1 through 8, page 28.

"(2) To assist in the establishment and operation of programs in accordance with subsection (c), which are designed to stimulate (A) the provision of educational services not available to Indian children in sufficient quantity or quality and, (B) the development and establishment of exemplary and innovative educational programs and centers designed to enrich programs of elementary and secondary education for Indian children."

2. Line 11, page 28, change "(c)" to "(d)" and line 23, page 28 after organizations add "including private non-profit corporations."

3. Line 1, page 29. Change "imposing" to "providing."

4. Delete lines 5 through 9 on page 30 and insert the following:

"(c) The Commissioner is also authorized to make grants to State and local educational agencies and institutions, including federally supported elementary and secondary schools for Indian children, and to Indian Tribes, institutions, and organizations, including private non-profit corporations to assist and stimulate them in developing and establishing educational services and programs specifically designed to improve educational opportunities for American Indian children, provided that traditional methods of testing and evaluating shall not be the sole nor the major criteria for evaluating the success of a program or project, including those instituted in accordance with section (b) of this Part, and provided that such services and programs have been approved by the committee established in accordance with section (g) of this Part.

Grants may be used - -

"(1) To provide educational services not available to such children in sufficient quantity or quality, and

"(2) For the establishment and operation of exemplary and innovative educational programs and centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children."

5. Insert the following provisions designated as (d) between lines 9 and 10 on page 30:

"(d) The Commissioner is also authorized to make grants to institutions of higher education and State and local educational agencies and institutions, including federally supported elementary and secondary for Indian children, and to Indian Tribes, institutions, and organizations, including private non-profit corporations, in combination with institutions of higher education,

for carrying out new programs and
projects - -

"(1)" to prepare persons to serve Indian children as teachers, teacher aides, social workers and ancilliary educational personnel; and

"(2) to improve the qualifications of such persons who are serving Indian children in such capacities."

Grants for the purposes of this subsection may be used for the establishment of fellowship programs leading to an advanced degree, for institutes, and as part of a continuing program, for seminars, symposia, workshops and conferences.

6. Line 10, page 30, change (c) to (e), and line 12, page 30, add after the word "organizations" the following:

"including private non-profit corporations."

7. Line 20, page 30. Change (b) to (f).

8. On page 31 and 32 delete lines 18 through 24 on page 31 and lines 1 through 3 on page 32 and insert the following:

"(g) An application by State and local educational agencies and institutions, including federally supported elementary and secondary schools for Indian children, and by Indian Tribes, institutions, and organizations including private non-profit corporations for a grant under this Part may be approved only if it is consistent with the applicable provisions of this Part and it provides that the program or project for which application is made - -

(1) has first utilized best available talents and resources of Indian people from the Indian community and will substantially increase the educational opportunities of Indian children in the area to be served by the applicant; and

(2) has been developed - - (A) in open consultation with parents of Indian children, teachers, and where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and (B) with the participation and approval of a committee composed of parents of

children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students, provided that such committee shall be selected by parents of children participating in the program for which assistance is sought, and provided that a majority of such committee shall be composed of parents not employed by the local educational agency;

(3) sets forth such policies and procedures as will insure that the program for which assistance is sought will be operated and evaluated in consultation with, and the involvement of parents of the children and representatives of the area to be served, including the committee established for the purposes of clause (B).

9. The following involves change in lines 18 through 24 on page 31 and line 1 of page 32:

"(h) The Commissioner shall not approve an application for a grant under subsections (b) and (c) unless he is satisfied that such application, and any documents submitted with respect thereto, show that there has been adequate participation by the parents of the children to be served and tribal communities in the planning and development of the project in accordance with subsection (g) of this Part, and that there will be such a participation in the operation and evaluation of the project.

10. On page 32 change lines 1 through 3 and make into a new subsection (i):

"(i) In approving applications under this Part, the Commissioner shall give priority to applications from Indian Tribes, institutions, and organizations, including private non-profit corporations."

Commentary on Part B

1. Section 810(1), (2), (3), and (4) as we have amended such make up what might be called a general purpose part by outlining the various programs with which Part B is concerned.

Subsection (1) sets up planning and pilot programs; subsection (2) provides for the establishment and operation of programs inclduing those pilot programs instituted under subsection (b) which prove effective; subsection (3) provides for pre-service and inservice training programs for teachers and other educational personnel; and subsection (4) provides for the dissemination of information and the evaluation of programs.

2. This change covers a typographical error, and a clarification that organizations includes private non-profit corporations such as Ramah.

3. Self explanatory.

4. The wording of this new subsection (c) was taken primarily from page 14 of the Kennedy Bill, lines 14 through 20. It simply expands lines 5 through 9 on page 30 of Jackson's Bill in order to emphasize and make clear that Part B is not only concerned with supporting pilot programs but also with establishing and operating those pilot programs instituted under Section 810(b) which prove to be effective, as well as any other programs

which may be effective in improving educational opportunities for Indian children. This new subsection also provides that traditional testing methods not be the sole criteria for evaluating the effectiveness of programs for Indians. since such tests are known to be culturally biased against Indian interests. This new subsection also provides that the parent committee has veto power over such applications.

5. This provision was taken from the Kennedy Bill, page 15, lines 23 through 24, and page 16, lines 1 through 12. It provides for pre-service and inservice training of teachers and other educational personnel.

6. This change is to allow for insertion of the two new subsections (c) and (d).

7. Same as 6.

8. Subsection (g)(1) provides for Indian preference in hiring.

Subsection (g)(2)(A) provides for input by the community, teachers, and students, into programs by setting up a requirement that an applicant local educational agency consult with, give full opportunity for understanding of programs to, and listen to recommendations from parents, teachers, and students.

Subsection (g)(2)(B) sets up a parent committee like the one in Part A of Title II of Jackson's Bill.

Subsection (g)(3) requires the applicant local educational agency to set up policies and procedures in its application to ensure that parents, teachers, students, and the community will be consulted in the operation and evaluation of the program.

In summary, this new insertion in Jackson's Bill will provide more insurance than is presently the situation in the Bill as it stands that parents and the community will be consulted in all programs from beginning to end.

9. This subsection is additional insurance for parents and the community in that before an application is approved, the Commissioner must be satisfied that the participation requirements are being met by the local educational agency.

10. This new subsection was formerly a part of subsection (d) of Jackson's Bill found on page 32, lines 1 through 3. Making it a subsection in itself would seem to give it more emphasis than it had before.

Amendments to Part C of Title II of S. 2724, the Jackson Bill, beginning on page 32 of the printed Bill.

1. In line 20 of page 32, after the word "organizations" delete the comma and insert the following:

"including non-profit corporations"

2. In line 24 of page 32, delete the dash after the word "Indians" and insert the following:

"and to establish and operate such
programs which evaluation has shown
to be effective in achieving the purposes
for which the grant was made --

3. Line 18, page 33, change subsection 5 to subsection 6 and add a new subsection (5):

"(5) To assist in the establishment
and operation of bi-lingual programs
which are designed to develop more
innovative and effective techniques
for achieving the literacy and
high school equivalency goals;

4. Line 24, page 33, insert after the word "organizations" the following:

"including private non-profit corporations."

5. Line 2 page 35, insert after the word "organizations" the following:

"including private non-profit corporations."

Commentary on Part C

1. A clarification.

2. This insertion provides that grants will be available to establish and operate effectige pilot programs.

3. Self explanatory. Ralph Davis suggested this be inserted as such programs are needed for adults as well as children.

4. A clarification.

5. A clarification.

TITLE III - AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965

Section 301. PART D of Title V of the Higher Education Act of 1965 is amended by adding after Section 531 the following new section:

Section 532.(a)

The United States Commissioner of Education is authorized to carry out a program of making grants to, and contracts with, institutions of higher education, other public and private non-profit organizations or agencies, and Indian tribes, organizations or agencies for carrying out programs and projects--

"(1) to prepare persons to serve Indian children in public, private, or Federal schools as educational administrators, teachers, teachers aides, social workers, school nurses, and ancillary educational personnel; and

"(2) to improve the qualifications of such persons who are serving Indian children in such capacities.

(b) Grants for the purpose of this section shall give priority to Indians and may be used for the establishment or continuation of fellowship programs leading to an advanced degree, for institutes, and, as part of a continuing program for seminars, symposia, workshops, and conferences.

(c) Prior to issuing any grant or contract under this title, the Commissioner shall submit applications to the National Board of Regents for Indian Education of the Department of Interior for approval. The Board's guidelines and regulations under this part shall be designed to focus approved projects on the problems of the local area in which the participants are or will be serving. Local tribes will be given maximum opportunity to designate universities and departments uniquely qualified for grants and contracts under this section, based upon the university and department's proven interest and successful experience. Tribes and Indian communities being served will be involved in the evaluation of programs.

Section 302.

For the purpose of making grants or contracts under this title there are hereby by authorized to be appropriated $5,000,000 for the fiscal years ending June 30, 1972 and $8,000,000 for each of the two succeeding years.

TITLE IV - AMENDMENTS TO THE JOHNSON-O'MALLEY ACT

Section 401.

The Indian Education Act of April 16, 1934 (48 Stat. 596), the so-called Johnson-O'Malley Act, is amended by adding at the end thereof the following new sections:

Section 4. (a)

The Secretary is authorized to enter into a contract or contracts with any State, local educational agency or Indian tribe for the purpose of assisting such State, agency or Indian tribe in the construction, acquisition, or renovation of classrooms and other facilities in non-Federal school districts on or adjacent to any Indian reservation necessary for the education of Indians residing on any such reservation. The percentage of federal funds under this title in any project shall not exceed the percentage of Indian students enrolled in the school where the construction is taking place. Any such contract entered into by the Secretary pursuant to this section shall contain provisions requiring such contracting State, agency or Indian tribe to--

"(1) provide Indian students attending such facilities in any school district the same standard of education as provided non-Indian students in such district; Provided, this section is not to be construed to prevent the tribal organization or local Indian school committee from setting additional standards for Indian education.

"(2) meet, with respect to such facilities acquired or constructed pursuant to such contracts, the requirements of the State and local building codes, and other building standards set by any such State or local educational agency for other public school facilities under its jurisdiction or control; Provided, that Indian tribal organizations retain authority to set building requirements, and this section shall not be construed to grant jurisdiction to other than Indian tribes to establish building codes and standards on Indian reservations.

(b) No contract shall be entered into by the Secretary under this section unless the terms thereof have been first approved by each tribal organization and the local school committee established under the Comprehensive Indian Education Act, as the case may be, having jurisdiction over any Indian students covered or otherwise affected by such contract.

(c) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated, for each of the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974, the sum of $27,400,000, and for each fiscal year thereafter, such sums as are necessary. Funds shall remain available until expended.

Section 5 (a)

The Secretary is authorized to make payments, by grants or otherwise, to any school district established pursuant to the Comprehensive Indian Education Act for the purpose of assisting such district in the construction, acquisition, or renovation of classrooms and other facilities (including all necessary equipment) necessary for the education of Indian students. Such payments shall be made at such times, in such manner, and pursuant to such conditions as the Secretary may prescribe.

(b) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated such sums as are necessary.

Section 6

For the purpose of carrying out the provisions of this Act the Secretary shall determine that the rates of pay for laborers and mechanics engaged in the construction will not be less than the prevailing local wage rates for similar work as determined in accordance with Public Law 403 of the Seventy-Fourth Congress, approved August 30, 1935, as amended."

TITLE V - GENERAL PROVISIONS AND DEFINITIONS

Section 501. (a) provides:

> As used in this Act the term "Indian" means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those reorganized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the National Board of Regents for Indian Education which regulations may further define the term "Indian".

Section 501. (a) as amended provides:

> As used in this Act the term "Indian" means any individual who
>
> (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or
>
> (2) is considered by the Secretary of the Interior to be an Indian for any educational purpose under this Act, or
>
> (3) is an Eskimo or Aleut or other Alaska Native, or
>
> (4) is determined to be an Indian under regulations promulgated by the National Board of Regents for Indian Education which regulations may further define the term "Indian", or
>
> (5) is recognized to be an Indian under regulations promulgated by an Indian Tribe.

Comments:

The function of a definition of "Indian" is to establish a test whereby it may be determined whether a given individual is to be included within the scope of legislation dealing with Indians. A statutory definition of an Indian is that contained in Section 501(a) of S.2724. In this Act note should be taken that the definition of "Indian" is limited in its connotation to the purpose of the legislation.

Several participants of the Legislative Seminar were under the impression that Indians recognized under the definitions given in Section 501(a) would also gain federal recognition for benefits under other legislations dealing with Indians. Such a recognition would be stretching outside the scope of this Act. This problem was clarified and the discussion turned toward who should be recognized for the purpose of this legislation.

With respect to Section 501(a)(1) a comment was made as to whether or not an individual had to be an enrolled member of a tribe, band, or other organized group of Indians to be an Indian. This point was not resolved so that subsection (1) remained intact.

Section 501(a)(2) was amended. Originally, in that section the Secretary of the Interior was empowered to consider any individual to be an Indian for any purpose. Section 501(a)(2) left wide open to the Secretary of Interior the discretion of defining an Indian. It was felt by the participant at the legislative seminar on this bill that some limitation should be imposed. Thus 501(a)(2) was amended to restrict the Secretary of the Interior to consider any individual to be an Indian for the educational purpose of this Act.

There were no objections to section 501(a)(3) which defines "Indian" as including an Eskimo or Aleut or other Alaska Native.

Section 501(a)(4) allows the National Board of Regents for Indian Education to further define the term "Indian". It was resolved that if there is a National Board of Regents or whatever national board, it would have the power to further define "Indian" for the purpose of this Act. And if there is to be no national board, subsection (4) should be deleted; the three preceding subsections should be sufficient to define an Indian.

A recommendation for an additional amendment, Section 501(a)(5), was made to include any individual who is recognized to be an Indian under regulations promulgated by an Indian Tribe. The position was taken that the term' "Indian" is one descriptive of an individual who has Indian blood in his veins and who is regarded as an Indian by the community which he lives. Thus an individual to be considered and Indian must not only have some degree of Indian blood but must in addition be recognized as an Indian by his Tribe as provided in Section 501(a)(5).

Section 501.(b) provides:

> The term "federally supported education programs" as used in this Act is defined to mean all education programs operated by the Department of Health, Education and Welfare, Department of the Interior, or operated under contract by local Indian school boards or by other Indian contractors.

Comments:

> This section was not amended because the participants of the Legislative Seminar believed the definition of the term "federally supported education programs" sufficiently covered all education programs for Indians operated by H.E.W. Department of Interior, local school boards or Indian contractors. The given definition covers the BIA schools and the contract schools such as Ramah High School and Rough Rock Demonstration School. Furthermore, "Other Indian contractors" is wide open term under which many tribes, bands, and/or organized groups of Indians can come under.

Section 501.(c) provides:

> The term "local education agency" as used in this Act means (1) a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform as service or function for, public elementary or secondary schools in a city, county, township, school districts, or other political sub-division of a State or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools; (2) a local Indian school board which

> has administration and control of elementary and secondary schools operated, on or near such reservations for Indian children and is a nonprofit institution or organization of the Indian Tribe concerned and which is approved by the Secretary of the Interior or the Board of Regents for Indian Education as a contractor or guarantee for the purpose of receiving Federal funds; and, other than for the purpose of Title IV of this Act, (3) any school currently operated by the Bureau of Indian Affairs of the Department of the Interior;

Comments:

"Local education agency" as defined in Section 501(c) covers basically three types of schools. The first type describe is the public schools under a State. The second type is the local Indian controlled nonprofit contract school e.g. Ramah and Rough Rock. Finally the third type is the BIA schools.

This section was examined carefully because local education agencies are the framework for receiving Title I money and other federal grants. It was recommended that the definition be expanded to include Indian tribes, institutions and organizations. Thus a new subsection may be added to section 501(c) to state:

(4) an education division of a tribe.

Section 502. provides:

> No funds under this Act shall be granted to any local education agency unless the Board of Regents is satisfied that the quality and standard of education, including facilities and auxiliary services, for Indian children enrolled in such agency is equal to that provided all other children from resources, other than as provided in this Act, available to the local education agency.

Comments:

Section 502 provides assurance that, before any funds from this Act are granted, Indian children will receive equal quality and standard of education as provided all other children in the local school system. One interesting question

> was posed: whether or not Indian children should be held to the same standard of education as the dominant white society? A majority of the participants held that the Indian children should not be held to the same standards. Recommendation was made that whenever evaluation of performance is used or provided for, provision should be made for non-discriminatory tests and evaluation procedures.

Section 503. provides:

> No funds under this Act may be used for any sectarian or religious purpose except that this provision shall not be interpreted to preclude programs or projects concerning Indian or tribal culture.

Comments:

> Section 503 prohibits the use of funds under this Act for any sectarian or religious instructions, except that this section does not preclude programs or projects in Indian or Tribal culture. Thus many cultural programs including the religious aspects could be directed at the Indian students. This exception recognizes the prominent, inherent religious aspect of Indian culture. No objections were made to Section 503.

Section 504. provides:

> No funds under this Act shall be granted or contracted for by any Federal agency directly to other than public agencies and Indian tribes, institutions, and organizations except that local education agencies, State education agencies, and Indian tribes, institutions, and organizations assisted by this Act may use funds provided herein to contract for necessary services with any appropriate individual organization or corporation.

Section 504. as amended provides:

> No funds under this Act shall be granted or contracted for by any Federal agency directly to other than public agencies and Indian tribes, institutions, and organizations, and private non-profit Indian corporations except that local education agencies, state education agencies, and Indian tribes, institutions, and organizations

assisted by this Act may use funds provided herein to contract for necessary services with any appropriate individual organization or corporation.

Comments:

Section 504 provides that only public agencies or Indian tribe, organizations or institutions shall receive funds under this Act (except for Title III.) However, such guarantees may subcontract for necessary services with any appropriate individual, organization or corportation.

The term "private nonprofit Indian corporation" was added as an amendment to insure that contract schools such as Ramah High School would be included.

The term public agencies was defined to include the definition of a local education agency as provided in amended section 501(c). In this manner public schools, contract Indian schools, BIA schools and education divisions of a Tribe may be eligible for funds under this Act.

Section 506. provides:

In the event that Indian children comprise that majority of any class or school aided by this Act, non-Indian children enrolled in the class or school may participate in programs funded by this Act, if such participation is approved by the committee as provided in Section 204 (b)(2)(B)(ii) and by the parents of the non-Indian children are not counted for the purposes of Section 203 of this Act.

Comments:

Where Indian children comprise over half of the enrollment in a class or school aided by this Act, non-Indian children may participate in programs funded by this Act, if local Indian parent committees and the parents of the non-Indian children so approve. However non-Indian children are not counted for the purposes of this Act. This section was not amended.

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March 30, 1972

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STATEMENT ON S. 2724

The Association on American Indian Affairs is indeed grateful to Senator Jackson and the co-sponsors of S. 2724 for the thought and attention given by them to the problems of Indian education. We have for many years been deeply concerned about the fact that among the handicaps with which young Indian people begin life is the lack of opportunity to obtain a good education. It is fortunate indeed that the Congress of the United States is increasingly focusing its attention on this problem and is attempting to provide solutions.

In looking for solutions, it is essential that we begin by thinking of the Indian children and their needs. The phrase "growing up under deprived circumstances" has been used so often in recent years that it has come to be regarded as trite. But that fact does not make it any less an apt description of the conditions under which Indian children set out in life. Many of them come from homes which over the last three or four generations have experienced a series of traumatic shocks. There was, to start with, the conflict, often a bloody struggle, with the predominant culture, which resulted in Indian defeat. There was, thereafter, the deliberate effort of agencies of the United States Government, particularly its educational system, to stamp out Indian culture. There followed, generally, the collapse of the Indian economic and social structure, with nothing but enforced idleness and increasing hopelessness and despondency ultimately permeating all facets of Indian life. Thus, the circumstances under which the average young Indian child starts out are grim indeed.

If any governmental institution is capable of breaking the chain of misery which stretches from one generation to the next it is the school. In a pleasant and stimulating classroom lies the opportunity to build a foundation for a better life, to acquire skills and also have a child's psychological needs met in a way that can lead to a happy life.

For the schools to be able to meet the needs of young Indian people they will, first of all, have to be funded adequately, and, second, the schools will have to be administered and staffed by people who can spend and use available funds wisely and effectively.

There is, today, less of a need for additional special experimental programs with Indian children than there is a need for an across-the-board improvement in the entire Indian education effort. The present deficiencies, as well spelled out in the proposed Congressional findings of S. 2724, should cause us to resolve that the Indian school program be made an exemplary program, dealing with all aspects of the human needs of Indian children.

In speaking of Indian children generally we must, of course, recognize that some of them attend Federal schools, operated by the Bureau of Indian Affairs, while others attend State-operated schools. The latter can appropriately be divided into schools on or near Indian reservations, in which most students are Indians, and schools elsewhere in the country, where Indian students are in a minority. Any program of special assistance to Indian children can be most easily administered through predominantly Indian schools, whether Federally- or State-operated. The problem becomes more complex when we are dealing with schools in which Indian children are a minority.

In order to carry through on the policy resolves, as stated in S. 2724, that "a restructured, revitalized, and properly funded program of Indian education shall become the foundation and central feature of our Nation's Indian policy and shall be accorded the Nation's highest domestic priority", what specific steps should be undertaken to make these words become reality? We suggest the following:

(1) An allocation of funds to initiate a comprehensive program of early childhood education. — Children from so-called non-verbal homes often find it difficult to catch up with children from verbal homes in a school structure and, for that matter a society in which a great deal of a person's performance and success depend on verbal ability. The best way in which lack of verbal stimulation in the home can be compensated for is through a school program which begins at that stage of life in which a child is ready to begin to expand his vocabulary beyond the simplest words and expressions, usually the age of three.

(2) A comprehensive review of existing curricula and a thorough evaluation of present teaching and administrative personnel. — As distinct from where we were a few years ago, we now have a good many highly competent young people, including many Indians, ready to enter the teaching profession. While we must recognize and respect the tenure rights of competent teachers now in the system, an effort should be made to replace those who simply have not measured up.

(3) Funding needed to provide Indian schools with sufficient vocational and psychological counselors to reach those children who can benefit from counseling. — School systems throughout the country have increasingly come to recognize the value of the service performed by

qualified counselors. That service is particularly important where a community suffers from problems of economic deprivation and cultural dislocation. A realistic staffing ratio, enabling counselors truly to meet the needs of Indian children, is of vital importance.

(4) Abolition of boarding schools through construction of day schools in appropriate geographic locations. — Boarding schools have caused serious psychological handicaps, particularly for elementary school youngsters. A crash program of day-school construction in those areas of the Indian country from which boarding school students are drawn, particularly the Navajo Reservation, could permit a good many boarding schools to be closed. (In some instances the construction of new schools may also have to be combined with the construction of appropriate access roads.)

(5) Funding needed to initiate new programs of vocational education. — Indian schools should offer a college-preparatory program for those youngsters who do want to go to college. But it should also provide the young people who are not college-bound with the knowledge and skills needed to succeed in our complex industrial society. A so-called general education program will often not accomplish that. For non-college bound students, many of whom might drop out of school unless sufficiently challenged, an effective vocational education program,

geared to the needs of the 1970's, is the answer. Such a program would provide them with the economic and personal security of a marketable skill. Here again a special allocation of funds to permit effective vocational education programs to operate in Indian schools could be of great help to Indian people, and could also serve as an excellent example to non-Indian school systems.

(6) But an adequately-funded school system is not the whole answer to the need for the improvement of Indian education. It is also essential that steps are taken to give Indian communities the powers over the schools their children attend that is vested in non-Indian communities. This means that Indians should be serving on boards of education and these boards should be exercising real authority over the schools. In the Indian Self-determination bill, S. 3157, Senators Jackson and Allott have spelled out the basic principles of home rule which should govern in the administration of public services on Indian reservations. These principles, of which we heartily approve, should most certainly be relied on in the performance of the vital governmental function of education.

To be effective in improving the educational climate in which Indian children grow up, involvement of the Indian communities must entail more than the setting of over-all policy by community leaders and spokesmen. There must also be an effort by the entire teaching staff to reach out to the parents and have them take an interest in the role of the school in their children's lives. This, in turn, requires that administrators and teachers are hired who are capable of working with Indian parents and who thoroughly understand the importance of the parents' role.

Against the background of the foregoing basic approaches to policy, we shall now briefly review the provisions of S. 2724.

While we recognize that differences of opinion do exist among Indian tribes on the question of organizational structure of the Indian education system, we do believe that these differences could be resolved if the dialogue between governmental agencies,. including the Congress, on one hand, and the Indian people, on the other, began with a discussion of the needs of Indian children and moved from there to the questions of administrative structure, which are addressed in Title I. If a change is to be made in the administration of the Indian education system, it should be made with the consent of the Indian communities affected by such change.

As far as Parts A and B of Title II are concerned, we believe that it would be preferable if the law did not limit the purposes for which additional funds may be spent as narrowly as the present text would. The additional funds should be available for across-the-board improvements in educational programs.

We approve of and support Parts C and D of Title II, as well as Titles III and IV.

As we have said at the outset, we believe that the sponsors of S. 2724 have properly focused attention on one of the most important governmental services performed for Indian people, the education of Indian youth. We recommend that the bill be amended to incorporate our suggestions. If so amended, it will undoubtedly receive the strong support of Indian tribes.

ASSOCIATION ON AMERICAN INDIAN
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By Richard Schifter
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